

1 ***-1351/3.9* SECTION 2069.** 118.30 (1m) (d) 2. of the statutes is created to read:

2 118.30 (1m) (d) 2. If the school board operates high school grades, beginning
3 in the 2001–02 school year administer the high school graduation examination
4 adopted by the school board under sub. (1g) (b) to all pupils enrolled in the school
5 district, including pupils enrolled in charter schools located in the school district, in
6 the 11th and 12th grades. The school board shall administer the examination at least
7 twice each school year and may administer the examination only to pupils enrolled
8 in the 11th and 12th grades.

9 ***-1351/3.10* SECTION 2070.** 118.30 (1r) of the statutes is created to read:

10 118.30 (1r) Annually each operator of a charter school under s. 118.40 (2r) shall
11 do all of the following:

12 (a) 1. Except as provided in sub. (6), administer the 4th grade examination
13 adopted or approved by the state superintendent under sub. (1) (a) to all pupils
14 enrolled in the charter school in the 4th grade. Beginning on July 1, 2002, if the
15 operator of the charter school has not developed or adopted its own 4th grade
16 examination, the operator of the charter school shall provide a pupil with at least 2
17 opportunities to achieve a score on the examination administered under this
18 subdivision that is sufficient for promotion under sub. (5m) (a) 1.

19 2. Beginning on July 1, 2002, if the operator of the charter school has developed
20 or adopted its own 4th grade examination, administer that examination to all pupils
21 enrolled in the charter school in the 4th grade. The operator of the charter school
22 shall provide a pupil with at least 2 opportunities to pass the examination
23 administered under this subdivision.

24 (am) 1. Except as provided in sub. (6), administer the 8th grade examination
25 adopted or approved by the state superintendent under sub. (1) (a) to all pupils

1 enrolled in the charter school in the 8th grade. Beginning on July 1, 2002, if the
2 operator of the charter school has not developed and adopted its own 8th grade
3 examination, the operator of the charter school shall provide a pupil with at least 2
4 opportunities to achieve a score on the examination administered under this
5 subdivision that is sufficient for promotion under sub. (5m) (b) 1.

6 2. Beginning on July 1, 2002, if the operator of the charter school has developed
7 or adopted its own 8th grade examination, administer that examination to all pupils
8 enrolled in the charter school in the 8th grade. The operator of the charter school
9 shall provide a pupil with at least 2 opportunities to pass the examination
10 administered under this subdivision.

11 (b) Administer the 10th grade examination to all pupils enrolled in the charter
12 school in the 10th grade.

13 (d) 1. If the charter school operates high school grades, in the 2000-01 school
14 year administer the high school graduation examination adopted by the operator of
15 the charter school under sub. (1g) (b) at least twice. The operator of the charter school
16 shall determine the high school grades in which the examination will be
17 administered.

18 2. If the charter school operates high school grades, beginning in the 2001-02
19 school year, administer the high school graduation examination adopted by the
20 operator of the charter school under sub. (1g) (b) to all pupils enrolled in the 11th and
21 12th grades in the charter school. The operator of the charter school shall administer
22 the examination at least twice each school year and may administer the examination
23 only to pupils enrolled in the 11th and 12th grades.

24 ***-1351/3.11* SECTION 2071.** 118.30 (2) (b) 1. and 2. of the statutes are amended
25 to read:

1 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
2 subch. V of ch. 115, the school board or operator of the charter school under s. 118.40
3 (2r) shall comply with s. 115.77 ~~(1)~~ (1m) (bg).

4 2. According to criteria established by the state superintendent by rule, the
5 school board or operator of the charter school under s. 118.40 (2r) may determine not
6 to administer an examination under this section to a limited-English speaking
7 pupil, as defined under s. 115.955 (7), may permit the pupil to be examined in his or
8 her native language or may modify the format and administration of an examination
9 for such pupils.

10 ***-1351/3.12* SECTION 2072.** 118.30 (2) (b) 3. of the statutes is amended to read:

11 118.30 (2) (b) 3. Upon the request of a pupil's parent or guardian, the school
12 board shall excuse the pupil from taking an examination administered under ~~this~~
13 ~~section~~ sub. (1m) (a), (am) or (b).

14 ***-1351/3.13* SECTION 2073.** 118.30 (5m) of the statutes is created to read:

15 118.30 (5m) (a) Except as provided in par. (c), beginning on July 1, 2002, the
16 operator of a charter school under s. 118.40 (2r) may not promote a 4th grade pupil
17 to the 5th grade unless one of the following applies:

18 1. If the operator of the charter school does not administer its own 4th grade
19 examination under sub. (1r) (a) 2., the pupil's score in each subject area on the
20 examination administered under sub. (1r) (a) 1. is at the basic level or above, as
21 determined by the state superintendent.

22 2. If the operator of the charter school board administers its own 4th grade
23 examination under sub. (1r) (a) 2., the pupil achieves a passing score on that
24 examination, as determined by the operator of the charter school.

1 (b) Except as provided in par. (c), beginning on July 1, 2002, the operator of a
2 charter school under s. 118.40 (2r) may not promote an 8th grade pupil to the 9th
3 grade unless one of the following applies:

4 1. If the operator of the charter school board does not administer its own 8th
5 grade examination under sub. (1r) (am) 2., the pupil's score in each subject area on
6 the examination administered under sub. (1r) (am) 1. is at the basic level or above,
7 as determined by the state superintendent.

8 2. If the operator of the charter school administers its own 8th grade
9 examination under sub. (1r) (am) 2., the pupil achieves a passing score on that
10 examination, as determined by the operator of the charter school.

11 (c) The operator of a charter school under s. 118.40 (2r) shall develop
12 alternative criteria for evaluating a pupil who did not take the 4th grade or the 8th
13 grade examination that was required for promotion as a result of sub. (2) (b). The
14 operator of the charter school may promote a pupil who did not take the examination
15 that was required for promotion as a result of sub. (2) (b) if the pupil satisfies the
16 alternative criteria.

17 *-1351/3.14* **SECTION 2074.** 118.30 (6) of the statutes is amended to read:

18 118.30 (6) A school board and an operator of a charter school under s. 118.40
19 (2r) is not required to administer the 4th and 8th grade examinations adopted or
20 approved by the state superintendent under sub. (1) (a) if the school board or the
21 operator of the charter school administers its own 4th and 8th grade examinations,
22 the school board or operator of the charter school provides the state superintendent
23 with statistical correlations of those examinations with the examinations adopted or
24 approved by the state superintendent under sub. (1) (a), and the federal department
25 of education approves.

1 ***-1351/3.15* SECTION 2075.** 118.33 (1) (cm) of the statutes is amended to read:

2 118.33 (1) (cm) Except as provided in par. (e), beginning on September 1, 2002,
3 neither a school board nor an operator of a charter school under s. 118.40 (2r) may
4 net grant a high school diploma to any pupil unless the pupil has passed the high
5 school graduation examination administered under s. 118.30 (1m) (d) or (1r) (d). A
6 school board and an operator of a charter school under s. 118.40 (2r) shall provide a
7 pupil with at least 4 opportunities to take the examination ~~in the high school grades.~~

8 ***-1351/3.16* SECTION 2076.** 118.33 (1) (e) of the statutes is amended to read:

9 118.33 (1) (e) Each school board and operator of a charter school under s. 118.40
10 (2r) shall develop alternative criteria for evaluating a pupil who has been excused
11 from the high school graduation examination under s. 118.30 (2) (b) ~~3. 1. or 2.~~ A
12 school board may grant a high school diploma to a pupil who has been excused from
13 the high school graduation examination under s. 118.30 (2) (b) ~~3. 1. or 2.~~ if the pupil
14 satisfies all of the other requirements under this subsection and satisfies the ~~other~~
15 alternative criteria. The operator of a charter school under s. 118.40 (2r) may grant
16 a high school diploma to a pupil who has been excused from the high school
17 graduation examination under s. 118.30 (2) (b) 1. or 2. if the pupil satisfies the
18 alternative criteria.

19 ***-1353/1.1* SECTION 2077.** 118.38 (1) (a) 7. of the statutes is amended to read:

20 118.38 (1) (a) 7. Licensure or certification under s. 115.28 ~~(7) or (7m) other than~~
21 ~~the licensure of the school district administrator or business manager.~~

22 ***-1354/2.1* SECTION 2078.** 118.40 (2) (a) of the statutes is amended to read:

23 118.40 (2) (a) Within 30 days after receiving a petition under sub. (1m) the
24 school board shall hold a public hearing on the petition. At the hearing, the school
25 board shall consider the level of employe and parental support for the establishment

1 of the charter school described in the petition and the fiscal impact of the
2 establishment of the charter school on the school district. ~~After the hearing, the~~
3 ~~school board may grant the petition.~~

4 ***-1354/2.2* SECTION 2079.** 118.40 (2) (c) of the statutes is amended to read:

5 118.40 (2) (c) The school board of the school district ~~operating under ch. 119~~
6 shall either grant or deny the petition within 30 days after the public hearing. If the
7 school board ~~of the school district operating under ch. 119~~ denies a petition, the
8 person seeking to establish the charter school may, within 30 days after the denial,
9 appeal the denial to the department. The department shall issue a decision within
10 30 days after receiving the appeal. The department's decision is final and not subject
11 to judicial review under ch. 227.

12 ***-1351/3.17* SECTION 2080.** 118.40 (2r) (d) 2. of the statutes is amended to
13 read:

14 118.40 (2r) (d) 2. Administer the examinations under ss. 118.30 ~~(1m)~~ (1r) and
15 121.02 (1) (r) to pupils enrolled in charter schools under this subsection.

16 ***-2030/2.3* SECTION 2081.** 118.40 (2r) (f) of the statutes is repealed.

17 ***-2030/2.4* SECTION 2082.** 118.40 (2r) (g) of the statutes is repealed.

18 ***-1355/1.1* SECTION 2083.** 118.40 (7) (am) 1. of the statutes is amended to
19 read:

20 118.40 (7) (am) 1. Except as provided in ~~subds. subd. 2. and 3.,~~ if a charter
21 school is established under sub. (2m) and located in the school district operating
22 under ch. 119, the school board of that school district shall determine whether or not
23 the charter school is an instrumentality of the school district. If the school board
24 determines that a charter school is an instrumentality of the school district, the
25 school board shall employ all personnel for the charter school. If the school board

1 determines that a charter school is not an instrumentality of the school district, the
2 school board may not employ any personnel for the charter school.

3 ***-1355/1.2* SECTION 2084.** 118.40 (7) (am) 3. of the statutes is repealed.

4 ***-1732/1.4* SECTION 2085.** 118.42 of the statutes is repealed.

5 ***-2039/4.2* SECTION 2086.** 118.43 (2) (a) of the statutes is amended to read:

6 118.43 (2) (a) The school board of any school district in which a school in the
7 previous school year had an enrollment that was at least 50% low-income is eligible
8 to participate in the program under this section, except that a school board is eligible
9 to participate in the program under this section in the 2000-01 school year if in the
10 1998-99 school year a school in the school district had an enrollment that was at least
11 50% low-income.

12 ***-2039/4.3* SECTION 2087.** 118.43 (2) (b) (intro.) of the statutes is amended to
13 read:

14 118.43 (2) (b) (intro.) In the 1996-97 ~~and 1998-99 school years~~ year, the school
15 board of an eligible school district may enter into a 5-year achievement guarantee
16 contract with the department on behalf of one school in the school district if all of the
17 following apply:

18 ***-2039/4.4* SECTION 2088.** 118.43 (2) (bg) of the statutes is created to read:

19 118.43 (2) (bg) In the 1998-99 school year, the school board of an eligible school
20 district may enter into a 5-year achievement guarantee contract with the
21 department on behalf of one school in the school district if all of the following apply:

22 1. In the previous school year, the school had an enrollment that was at least
23 30% low-income.

24 2. The school board is not receiving a grant under the preschool to grade 5
25 program on behalf of the school under s. 115.45.

1 ***-2039/4.5* SECTION 2089.** 118.43 (2) (br) of the statutes is created to read:

2 118.43 (2) (br) In the 2000–01 school year, the school board of an eligible school
3 district other than the school district operating under ch. 119 may enter into a 5–year
4 achievement guarantee contract with the department on behalf of one or more
5 schools in the school district if all of the following apply:

6 1. In the previous school year, each school had an enrollment that was at least
7 62% low-income.

8 2. The school board is not receiving a grant under the preschool to grade 5
9 program on behalf of any of the schools under s. 115.45.

10 3. The school board, if eligible to participate in the program under this section
11 in the 1996–97 and 1998–99 school years, had participated in the program during
12 either school year.

13 4. None of the schools is a beneficiary of a contract under this section.

14 5. None of the schools is a school to which schools that are beneficiaries of
15 contracts under this section are compared for the evaluation under sub. (7).

16 ***-2039/4.6* SECTION 2090.** 118.43 (2) (bt) of the statutes is created to read:

17 118.43 (2) (bt) In the 2000–01 school year, the school board of the school district
18 operating under ch. 119 may enter into a 5–year achievement guarantee contract
19 with the department on behalf of one or more schools in the school district if all of the
20 following apply:

21 1. In the previous school year, each school had an enrollment that was at least
22 80% low-income.

23 2. The school board is not receiving a grant under the preschool to grade 5
24 program under s. 115.45 on behalf of any of the schools.

25 3. None of the schools is a beneficiary of a contract under this section.

1 4. None of the schools is a school to which schools that are beneficiaries of
2 contracts under this section are compared for the evaluation under sub. (7).

3 ***-2039/4.7* SECTION 2091.** 118.43 (2) (c) of the statutes is amended to read:

4 118.43 (2) (c) Notwithstanding ~~par.~~ pars. (b) and (bg), the school board of the
5 school district operating under ch. 119 may enter into an achievement guarantee
6 contract on behalf of up to 10 schools under par. (b) and up to 10 schools under par.
7 (bg).

8 ***-2039/4.8* SECTION 2092.** 118.43 (2) (e) 1. of the statutes is amended to read:

9 118.43 (2) (e) 1. If the school board of an eligible school district does not enter
10 into an achievement guarantee contract with the department, a school board that
11 has entered into such a contract, other than the school board of the school district
12 operating under ch. 119, may apply to the department to enter into such a contract
13 on behalf of one ~~additional school~~ or more schools that ~~meets~~ meet the requirements
14 under par. (b), (bg) or (br).

15 ***-2039/4.9* SECTION 2093.** 118.43 (2) (f) of the statutes is amended to read:

16 118.43 (2) (f) The department may not enter into an achievement guarantee
17 contract with a school board on behalf of a school after June 30, ~~1999~~ 2001.

18 ***-2039/4.10* SECTION 2094.** 118.43 (3) (intro.) of the statutes is amended to
19 read:

20 118.43 (3) CONTRACT REQUIREMENTS. (intro.) Except as provided in ~~par.~~ pars.
21 (am) and (ar), an achievement guarantee contract shall require the school board to
22 do all of the following in each participating school:

23 ***-2039/4.11* SECTION 2095.** 118.43 (3) (ar) of the statutes is created to read:

24 118.43 (3) (ar) *Class size; additional contracts.* For contracts that begin in the
25 2000-01 school year, reduce each class size to 15 in the following manner:

- 1 1. In the 2000–01 school year, in at least grades kindergarten and one.
- 2 2. In the 2001–02 school year, in at least grades kindergarten to 2.
- 3 3. In the 2002–03 to 2004–05 school years, in at least grades kindergarten to
- 4 3.

5 *–2039/4.12* **SECTION 2096.** 118.43 (5) (b) of the statutes is amended to read:

6 118.43 (5) (b) ~~At the end of the 1997–98, 1998–99, 1999–2000, 2000–01 and~~
7 ~~2001–02 school years~~ Annually by June 30 through the 2003–04 school year, a
8 committee consisting of the state superintendent, the chairpersons of the education
9 committees in the senate and assembly and the individual chiefly responsible for the
10 evaluation under sub. (7) shall review the progress made by each school for which
11 an achievement guarantee contract has been entered into. The committee may
12 recommend to the department that the department terminate a contract if the
13 committee determines that the school board has violated the contract or if the school
14 has made insufficient progress toward achieving its performance objectives under
15 sub. (4) (c). The department may terminate the contract if it agrees with the
16 committee's recommendation.

17 *–2039/4.13* **SECTION 2097.** 118.43 (6) (b) 6., 7. and 8. of the statutes are
18 created to read:

19 118.43 (6) (b) 6. In the 2000–01 school year, divide the amount appropriated
20 by the sum of the number of low-income pupils enrolled in grades kindergarten to
21 3 in each school in this state covered by contracts under sub. (3) (a) and (am) and the
22 number of low-income pupils enrolled in grades kindergarten and one in each school
23 in this state covered by contracts under sub. (3) (ar) and multiply the quotient by the
24 number of pupils enrolled in those grades in each school in the school district covered
25 by contracts under this section.

1 7. In the 2001–02 school year, divide the amount appropriated by the sum of
2 the number of low-income pupils enrolled in grades kindergarten to 3 in each school
3 in this state covered by contracts under sub. (3) (am) and the number of low-income
4 pupils enrolled in grades kindergarten to 2 in each school in this state covered by
5 contracts under sub. (3) (ar) and multiply the quotient by the number of pupils
6 enrolled in those grades in each school in the school district covered by contracts
7 under this section.

8 8. In the 2002–03 to 2004–05 school years, divide the amount appropriated by
9 the number of low-income pupils enrolled in grades kindergarten to 3 in each school
10 in this state covered by contracts under sub. (3) (am) and (ar) and multiply the
11 quotient by the number of pupils enrolled in those grades in each school in the school
12 district covered by contracts under this section.

13 *–1381/3.2* SECTION 2098. 119.04 (1) of the statutes is amended to read:

14 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),
15 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
16 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to
17 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
18 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.30
19 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (25), 120.125, 120.13 (1), (2)
20 (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a 1st
21 class city school district and board.

22 *–1356/5.2* SECTION 2099. 119.18 (23) of the statutes is renumbered 118.36
23 and amended to read:

24 **118.36 School closings.** ~~The If a school board may close~~ closes any school that
25 it determines is low in performance ~~by adopting, it shall adopt~~ a resolution to that

1 effect. If the ~~superintendent of schools~~ school district administrator recommends to
2 the school board that a school be closed for low performance, he or she shall state the
3 reasons for the recommendation in writing. If the school board closes ~~a~~ the school,
4 the ~~superintendent of schools~~ school district administrator may reassign the school's
5 staff members without regard to seniority in service and may reassign other
6 employes of the school board to the school without regard to seniority in service. If
7 the school board reopens the school, the ~~superintendent of schools~~ school district
8 administrator may reassign staff members to the school without regard to seniority
9 in service.

10 ***-2030/2.5* SECTION 2100.** 119.23 (5) (intro.) and (c) of the statutes are
11 consolidated, renumbered 119.23 (5) and amended to read:

12 119.23 (5) The state superintendent shall: ~~(e) Ensure~~ ensure that pupils and
13 parents and guardians of pupils who reside in the city are informed annually of the
14 private schools participating in the program under this section.

15 ***-2030/2.6* SECTION 2101.** 119.23 (5) (a) of the statutes is repealed.

16 ***-2030/2.7* SECTION 2102.** 119.23 (5) (b) of the statutes is repealed.

17 ***-1356/5.3* SECTION 2103.** 119.235 of the statutes is renumbered 118.37, and
18 118.37 (1), (2) (intro.), (b), (d), (e) 2. and (f), and (3) to (5), as renumbered, are amended
19 to read:

20 118.37 (1) The A school board may contract with any nonsectarian private
21 school located in the ~~city~~ school district or any nonsectarian private agency located
22 in the ~~city~~ school district to provide educational programs to pupils enrolled in the
23 school district ~~operating under this chapter~~. The school board shall ensure that each
24 private school or agency under contract with the board complies with ss. 118.125 and
25 118.13, 20 USC 1232g, 20 USC 1681 to 1688, 20 USC 3171 to 3197, 29 USC 794, 42

1 USC 2000d and 42 USC 6101 to 6107, and all health and safety laws and rules that
2 apply to public schools.

3 (2) (intro.) Each private school or agency under contract with the school board
4 shall do all of the following:

5 (b) Participate in the school board's parent information program.

6 (d) Meet insurance and financial requirements established by the school board.

7 (e) 2. A pupil selection process that gives preference to the siblings of enrolled
8 pupils and that gives no other preferences except those approved by the school board.

9 (f) Report to the school board any information requested by the school board.

10 (3) Any pupil enrolled in the school district ~~operating under this chapter~~ may
11 attend, at no charge, any private school or agency with which the school board has
12 contracted under sub. (1) if space is available in the private school or agency.

13 (4) The school board shall establish appropriate, quantifiable performance
14 standards for pupils at each private school or agency with which it contracts in such
15 areas as attendance, reading achievement, pupil retention, pupil promotion, parent
16 surveys, credits earned and grade point average.

17 (5) Annually, the school board shall monitor the performance of the program
18 under this section. The school board may use the results of standardized basic
19 educational skills tests to do so. The school board shall include a summary of its
20 findings in its annual report to the state superintendent ~~under s. 119.44.~~

21 ***-1193/2.6* SECTION 2104.** 119.48 (4) (b) of the statutes is amended to read:

22 119.48 (4) (b) The communication shall state the purposes for which the funds
23 from the increase in the levy rate will be used and shall request the common council
24 to submit to the voters of the city the question of exceeding the levy rate specified in
25 s. 65.07 (1) (f) ~~at the September election or a special election.~~

1 ***-1193/2.7* SECTION 2105.** 119.48 (4) (c) of the statutes is amended to read:

2 119.48 (4) (c) Upon receipt of the communication, the common council shall
3 cause the question of exceeding the levy rate specified under s. 65.07 (1) (f) to be
4 submitted to the voters of the city at the ~~September election or at a special election~~
5 next regularly scheduled spring election or general election that occurs not sooner
6 than 45 days after receipt of the communication or at a special election held on the
7 Tuesday after the first Monday in November in an odd-numbered year if that date
8 occurs not sooner than 45 days after receipt of the communication. The question of
9 exceeding the levy rate specified under s. 65.07 (1) (f) shall be submitted upon a
10 separate ballot or in some other manner so that the vote upon exceeding the levy rate
11 specified in s. 65.07 (1) (f) is taken separately from any other question submitted to
12 the voters. If a majority of the electors voting on the question favors exceeding the
13 levy rate specified under s. 65.07 (1) (f), the common council shall approve the
14 increase in the levy rate and shall levy and collect a tax equal to the amount of money
15 approved by the electors.

16 ***-1193/2.8* SECTION 2106.** 119.49 (1) (b) of the statutes is amended to read:

17 119.49 (1) (b) The communication shall state the amount of funds needed under
18 par. (a) and the purposes for which the funds will be used and shall request the
19 common council to submit to the voters of the city ~~at the next election held in the city~~
20 the question of issuing school bonds in the amount and for the purposes stated in the
21 communication.

22 ***-1193/2.9* SECTION 2107.** 119.49 (2) of the statutes is amended to read:

23 119.49 (2) Upon receipt of the communication, the common council shall cause
24 the question of issuing such school bonds in the stated amount and for the stated
25 school purposes to be submitted to the voters of the city at the ~~next election held in~~

1 the city regularly scheduled spring election or general election that occurs not sooner
2 than 45 days after receipt of the communication or at a special election held on the
3 Tuesday after the first Monday in November in an odd-numbered year if that date
4 occurs not sooner than 45 days after receipt of the communication. The question of
5 issuing such school bonds shall be submitted upon a separate ballot or in some other
6 manner so that the vote upon issuing such school bonds is taken separately from any
7 other question submitted to the voters. If a majority of the electors voting on the
8 school bond question favors issuing such school bonds, the common council shall
9 cause the school bonds to be issued immediately or within the period permitted by
10 law, in the amount requested by the board and in the manner other bonds are issued.

11 ***-2024/3.4* SECTION 2108.** 119.71 (2) of the statutes is amended to read:

12 119.71 (2) From the appropriation under s. 20.255 (2) ~~(ee)~~ (kp), the state
13 superintendent shall pay to the board the amount specified in the spending plan
14 under s. 119.80 in each school year.

15 ***-2024/3.5* SECTION 2109.** 119.72 (5) of the statutes is amended to read:

16 119.72 (5) From the appropriation under s. 20.255 (2) ~~(ee)~~ (kp), the state
17 superintendent shall pay to the board the amount specified in the spending plan
18 under s. 119.80 for the program under this section in each school year.

19 ***-2024/3.6* SECTION 2110.** 119.75 (2) (a) of the statutes is amended to read:

20 119.75 (2) (a) From the appropriation under s. 20.255 (2) ~~(ee)~~ (kp), the state
21 superintendent shall pay to the board the amount specified in the spending plan
22 under s. 119.80 in each school year.

23 ***-2024/3.7* SECTION 2111.** 119.80 (1) of the statutes is amended to read:

1 119.80 (1) The board shall submit to the governor a proposal for the
2 expenditure of the funds in the ~~appropriation~~ appropriations under s. 20.255 (2) (ec)
3 and (kp) in each school year.

4 ***-2024/3.8* SECTION 2112.** 119.80 (1m) of the statutes is amended to read:

5 119.80 (1m) Annually by June 1, the governor shall submit to the joint
6 committee on finance and to the appropriate standing committees of the legislature
7 under s. 13.172 (3) a proposal for the expenditure of the funds in the ~~appropriation~~
8 appropriations under s. 20.255 (2) (ec) and (kp) in the following school year. By
9 June 15, each such standing committee may submit written recommendations on
10 the proposal to the joint committee on finance.

11 ***-2024/3.9* SECTION 2113.** 119.80 (4) of the statutes is created to read:

12 119.80 (4) The department may not distribute any funds in the appropriations
13 under s. 20.255 (2) (ec) or (kp) in any fiscal year until the spending plan for that fiscal
14 year has been approved.

15 ***-2024/3.10* SECTION 2114.** 119.82 (3) of the statutes is amended to read:

16 119.82 (3) From the appropriation under s. 20.255 (2) (~~ee~~) (kp), the state
17 superintendent shall pay to the board the amount specified in the spending plan
18 under s. 119.80 in each school year for the programs under sub. (1).

19 ***-0023/4.5* SECTION 2115.** 120.13 (26r) of the statutes is amended to read:

20 120.13 (26r) ~~CONTRACTS FOR OUTPATIENT~~ MENTAL HEALTH AND DEVELOPMENTAL
21 DISABILITIES SERVICES. Contract with the department of health and family services for
22 outpatient services under s. ~~51.07 (4)~~ 46.043.

23 ***-1186/4.40* SECTION 2116.** 120.13 (27m) of the statutes is amended to read:

24 120.13 (27m) TRANSPORTATION OF INDIGENT PUPILS. Provide transportation to
25 and from school for indigent pupils who reside in the school district and who are not

1 required to be transported under s. 121.54. In this subsection, "indigent pupils"
2 means pupils who are eligible for free lunches or reduced-price lunches under 42
3 USC 1758 ~~or aid to 18-year-old students under s. 49.20 or for whom aid to families~~
4 ~~with dependent children is being received under s. 49.19~~ or who are members of a
5 Wisconsin works group, as defined in s. 49.141 (1) (s), with a member who is
6 participating in Wisconsin works under s. 49.147 (3) to (5) or any combination
7 thereof, as determined by the school board. If a school board determines to provide
8 transportation under this subsection, there shall be reasonable uniformity in the
9 transportation furnished such pupils whether they attend public or private schools.
10 The cost of transporting pupils under this subsection may not be included in the
11 school district's shared cost under s. 121.07 (6) (a).

12 ***-1277/5.1* SECTION 2117.** 121.004 (7) (a) (intro.) of the statutes is amended
13 to read:

14 121.004 (7) (a) (intro.) "Pupils enrolled" is the total number of pupils, as
15 expressed by official enrollments, in all schools of the school district, except as
16 provided in pars. (b) to ~~(e)~~ (f). If such total contains a fraction, it shall be expressed
17 as the nearest whole number. The same method shall be used in computing the
18 number of pupils enrolled for resident pupils, nonresident pupils or both.

19 ***-1277/5.2* SECTION 2118.** 121.004 (7) (f) of the statutes is created to read:

20 121.004 (7) (f) A pupil who transfers from one school district to another under
21 s. 121.85 (3) (a) shall be counted by the school district in which the pupil resides as
22 0.5 pupil or, if appropriate, as a number equal to the result obtained by multiplying
23 0.5 by the appropriate fraction under under par. (c), (cm) or (d).

24 ***-1351/3.18* SECTION 2119.** 121.02 (1) (r) of the statutes is amended to read:

1 21.02 (1) (r) Annually Except as provided in s. 118.40 (2r) (d) 2., annually
2 administer a standardized reading test developed by the department to all pupils
3 enrolled in the school district in grade 3, including pupils enrolled in charter schools
4 located in the school district.

5 *~~1264/1.1~~* **SECTION 2120.** 21.02 (1) (s) of the statutes is amended to read:

6 21.02 (1) (s) Administer the examinations as required under s. 118.30 ~~(1m)~~
7 ~~(a), (am) and (b) and, beginning in the 1999–2000 school year, administer the high~~
8 ~~school graduation examination required under s. 118.30 (1m) (d).~~

9 *~~2030/2.8~~* **SECTION 2121.** 21.05 (1) (a) 4. of the statutes is repealed.

10 *~~2030/2.9~~* **SECTION 2122.** 21.05 (1) (a) 9. of the statutes is amended to read:

11 21.05 (1) (a) 9. Pupils enrolled in a charter school, other than a charter school
12 under s. 118.40 (2r).

13 *~~1356/5.4~~* **SECTION 2123.** 21.05 (1) (a) 10. of the statutes is amended to read:

14 21.05 (1) (a) 10. Pupils attending a private school or agency under contract
15 with the board under s. ~~119.235~~ 118.37.

16 *~~1277/5.3~~* **SECTION 2124.** 21.05 (1) (a) 11. of the statutes is amended to read:

17 21.05 (1) (a) 11. Pupils residing in the school district but attending a public
18 school in another school district under s. 118.51 or 121.85 (3) (a).

19 *~~2030/2.10~~* **SECTION 2125.** 21.07 (1) (a) of the statutes is amended to read:

20 21.07 (1) (a) The membership of the school district in the previous school year
21 and the shared cost for the previous school year shall be used in computing general
22 aid, ~~except that the membership used to compute state aid to the school district~~
23 ~~operating under ch. 119 shall include those pupils who are attending a private school~~
24 ~~under s. 119.23 in the current school year and were enrolled in grades kindergarten~~
25 ~~to 3 in a private school located in the city of Milwaukee other than under s. 119.23~~

1 in the previous school year. If a school district has a state trust fund loan as a result
2 of s. 24.61 (3) (c) 2., the school district's debt service costs shall be based upon current
3 school year costs for the term of the loan and for one additional school year.

4 ***-1309/4.1* SECTION 2126.** 121.07 (7) (b) of the statutes is amended to read:

5 121.07 (7) (b) The "secondary guaranteed valuation per member" is an amount,
6 rounded to the next lower dollar, that, after subtraction of payments under ss.
7 121.09, ~~121.105~~, and 121.85 (6) (b) 2. and 3. and (c) ~~and 121.86~~, fully distributes an
8 amount equal to the amount remaining in the appropriation under s. 20.255 (2) (ac)
9 plus \$75,000,000 in the 1997-98 school year and \$100,000,000 in the 1998-99 school
10 year for payments under ss. 121.08 ~~and~~, 121.105, 121.85 (6) (a) and (g) ~~and 121.86~~.

11 ***-1309/4.2* SECTION 2127.** 121.105 (2) (a) 1. of the statutes is amended to read:

12 121.105 (2) (a) 1. If a school district would receive less ~~than 85% of the state~~
13 ~~aid for the current school year~~ in state aid in the current year than an amount equal
14 to 85% of the state aid that it received as state aid in the previous school year, its state
15 aid for the current school year shall be increased to an amount equal to 85% of the
16 state aid received in the previous school year.

17 ***-1309/4.3* SECTION 2128.** 121.105 (2) (a) 3. of the statutes is amended to read:

18 121.105 (2) (a) 3. A school district eligible for aid under subd. 1. and 2. shall
19 receive the greater of the aid amounts under subd. 1. or 2. The additional aid shall
20 be paid from the appropriations under s. 20.255 (2) (ac) and (q).

21 ***-1385/2.1* SECTION 2129.** 121.15 (3m) (a) 1. of the statutes is amended to
22 read:

23 121.15 (3m) (a) 1. "Partial school revenues" means the sum of state school aids,
24 other than the amounts appropriated under s. 20.255 (2) (bi) and (cv), ~~and~~ property
25 taxes levied for school districts and aid paid to school districts under s. 79.095 (4),

1 less the amount of any revenue limit increase under s. 121.91 (4) (a) 2. due to a school
2 board's increasing the services that it provides by adding responsibility for providing
3 a service transferred to it from another school board and less the amount of any
4 revenue limit increase under s. 121.91 (4) (a) 3.

5 ***-0250/4.10* SECTION 2130.** 121.15 (3m) (a) 2. of the statutes is amended to
6 read:

7 121.15 (3m) (a) 2. "State school aids" means those aids appropriated under s.
8 20.255 (2), other than s. 20.255 (2) (fm), (fu), (k) and (m), and under ss. 20.275 (1) (d),
9 (es), (et), (f), ~~(fs)~~ and (u) and 20.285 (1) (ee), (r) and (rc) and those aids appropriated
10 under s. 20.275 (1) (s) that are used to provide grants or educational
11 telecommunications access to school districts under s. ~~196.218 (4r)~~ 44.73.

***NOTE: This is reconciled s. 121.15 (3m) (a) 2. This SECTION has been affected by
drafts with the following LRB numbers: LRB-0248/2 and LRB-0250/3.

12 ***-1385/2.2* SECTION 2131.** 121.15 (4) of the statutes is renumbered 121.15 (4)
13 (b) and amended to read:

14 121.15 (4) (b) On July 1 and October 15, using the most accurate data available,
15 the state superintendent shall provide the department of revenue and each school
16 district with an estimate of the total amount of state aid, ~~as defined in s. 121.90 (2),~~
17 the school district will receive in the current school year. On October 15, using the
18 most accurate data available, the state superintendent shall calculate the total
19 amount of state aid, ~~as defined in s. 121.90 (2),~~ that each school district will receive
20 in the current school year. Any adjustments to that calculation shall be made by
21 increasing or decreasing the payment made in September of the following school
22 year.

23 ***-1385/2.3* SECTION 2132.** 121.15 (4) (a) of the statutes is created to read:

1 121.15 (4) (a) In this subsection, “state aid” has the meaning given in s. 121.90
2 (2) except that it excludes aid paid to school districts under s. 79.095 (4).

3 ***-1277/5.4* SECTION 2133.** 121.85 (6) (a) 2. of the statutes is amended to read:

4 121.85 (6) (a) 2. Multiply the number of transfer pupils, as counted for
5 membership purposes under s. 121.004 (7), by 0.25.

6 ***-1277/5.5* SECTION 2134.** 121.85 (6) (b) 1. of the statutes is repealed.

7 ***-1277/5.6* SECTION 2135.** 121.85 (6) (f) of the statutes is repealed.

8 ***-1992/1.1* SECTION 2136.** 121.85 (6) (h) of the statutes is created to read:

9 121.85 (6) (h) *Neighborhood schools.* The school district operating under ch.
10 119 shall use at least 10% of the amount received under par. (a) in each school year
11 to build or lease neighborhood schools.

12 ***-1277/5.7* SECTION 2137.** 121.90 (1) (e) of the statutes is created to read:

13 121.90 (1) (e) In determining a school district’s revenue limit for the 1999–2000
14 school year or for any school year thereafter, the department shall calculate the
15 number of pupils enrolled in each school year prior to the 1999–2000 school year as
16 the number was calculated in that school year under s. 121.85 (6) (b) 1. and (f), 1997
17 stats.

18 ***-1309/4.4* SECTION 2138.** 121.90 (2) (intro.) of the statutes is amended to
19 read:

20 121.90 (2) (intro.) “State aid” means aid under ss. 121.08, 121.09 and 121.105
21 and subch. VI, as calculated for the current school year on October 15 under s. 121.15
22 (4) and including adjustments made under s. 121.15 (4), except that “state aid”
23 excludes all of the following:

24 ***-1309/4.5* SECTION 2139.** 121.905 (3) (a) 1. of the statutes is amended to read:

1 121.905 (3) (a) 1. Except as provided under subd. 2., calculate the sum of the
2 amount of state aid received ~~under ss. 121.08 and 121.105 and subch. VI~~ in the
3 previous school year and property taxes levied for the previous school year, excluding
4 funds described under s. 121.91 (4) (c), and the costs of the county children with
5 disabilities education board program, as defined in s. 121.135 (2) (a) 2., for pupils who
6 were school district residents and solely enrolled in a special education program
7 provided by a county children with disabilities education board in the previous school
8 year.

9 ***-2030/2.11* SECTION 2140.** 121.905 (3) (c) of the statutes is repealed and
10 recreated to read:

11 121.905 (3) (c) For the limit for the 1999–2000 school year or for any school year
12 thereafter, add \$208.88 to the result under par. (b).

13 ***-1309/4.6* SECTION 2141.** 121.905 (4) of the statutes is renumbered 121.905
14 (4) (a) and amended to read:

15 121.905 (4) (a) A school district that is exempt from the revenue limits under
16 sub. (2) may not increase its base revenue per member to an amount that is greater
17 than its revenue ceiling ~~unless that~~.

18 (b) 1. A school district ~~follows~~ may increase its revenue ceiling by following the
19 procedures prescribed in s. 121.91 (3).

20 ***-1309/4.7* SECTION 2142.** 121.905 (4) (b) 2. of the statutes is created to read:

21 121.905 (4) (b) 2. The department shall, under s. 121.91 (4), adjust the revenue
22 ceiling otherwise applicable to a school district under this section as if the revenue
23 ceiling constituted a revenue limit under s. 121.91 (2m).

24 ***-2030/2.12* SECTION 2143.** 121.91 (2m) (d) (intro.) of the statutes is amended
25 to read:

1 121.91 (2m) (d) (intro.) Except as provided in subs. (3) and (4), no school district
2 may increase its revenues for the 1998-99 school year ~~or for any school year~~
3 ~~thereafter~~ to an amount that exceeds the amount calculated as follows:

4 ***-2030/2.13* SECTION 2144.** 121.91 (2m) (e) of the statutes is renumbered
5 121.91 (2m) (r), and 121.91 (2m) (r) 1. (intro.) and b. and 2., as renumbered, are
6 amended to read:

7 121.91 (2m) (r) 1. (intro.) Notwithstanding pars. (c) ~~and~~, (d) and (e), if a school
8 district is created under s. 117.105, its revenue limit under this section for the school
9 year beginning with the effective date of the reorganization shall be determined as
10 follows except as provided under subs. (3) and (4):

11 b. Add \$206 \$208.88 to the result under subd. 1. a.

12 2. If a school district is created under s. 117.105, the following adjustments to
13 the calculations under pars. (c) ~~and~~, (d) and (e) apply for the 2 school years beginning
14 on the July 1 following the effective date of the reorganization:

15 a. For the school year beginning on the first July 1 following the effective date
16 of the reorganization the number of pupils in the previous school year shall be used
17 under pars. (c) 1. ~~and~~, (d) 1. and (e) 1. instead of the average of the number of pupils
18 in the 3 previous school years, and for the school year beginning on the 2nd July 1
19 following the effective date of the reorganization the average of the number of pupils
20 in the 2 previous school years shall be used under pars. (c) 1. ~~and~~, (d) 1. and (e) 1.
21 instead of the average of the number of pupils in the 3 previous school years.

22 b. For the school year beginning on the first July 1 following the effective date
23 of the reorganization the average of the number of pupils in the current and the
24 previous school years shall be used under pars. (c) 4. ~~and~~, (d) 4. and (e) 3. instead of
25 the average of the number of pupils in the current and the 2 preceding school years.

1 ***-2030/2.14* SECTION 2145.** 121.91 (2m) (e) of the statutes is created to read:

2 121.91 (2m) (e) Except as provided in subs. (3) and (4), no school district may
3 increase its revenues for the 1999–2000 school year or for any school year thereafter
4 to an amount that exceeds the amount calculated as follows:

5 1. Divide the sum of the amount of state aid received in the previous school year
6 and property taxes levied for the previous school year, excluding funds described
7 under sub. (4) (c), by the average of the number of pupils enrolled in the 3 previous
8 school years.

9 2. Add \$208.88 to the result under subd. 1.

10 3. Multiply the result under subd. 2. by the average of the number of pupils
11 enrolled in the current and the 2 preceding school years.

12 ***-1193/2.10* SECTION 2146.** 121.91 (3) (a) of the statutes is amended to read:

13 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m)
14 otherwise applicable to the school district in any school year, it shall promptly adopt
15 a resolution supporting inclusion in the final school district budget of an amount
16 equal to the proposed excess revenue. The resolution shall specify whether the
17 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
18 proposed excess revenue is for both recurring and nonrecurring purposes, the
19 amount of the proposed excess revenue for each purpose. Within 10 days after
20 adopting the resolution, the school board shall notify the department of the
21 scheduled date of the referendum and submit a copy of the resolution to the
22 department. The school board shall call a ~~special~~ referendum for the purpose of
23 submitting the resolution to the electors of the school district for approval or
24 rejection. ~~In lieu of a special referendum, the school board may specify that the~~
25 ~~referendum be held at the next succeeding spring primary or election or September~~

1 ~~primary or~~ general election, if such election is to be held not earlier than ~~35~~ 45 days
2 after the adoption of the resolution of the school board, ~~or at a special election held~~
3 ~~on the Tuesday after the first Monday in November in an odd-numbered year if that~~
4 ~~date occurs not earlier than 45 days after the adoption of the resolution of the school~~
5 ~~board~~. The school district clerk shall certify the results of the referendum to the
6 department within 10 days after the referendum is held.

7 *~~-1309/4.8~~* **SECTION 2147.** 121.91 (3) (d) of the statutes is renumbered 121.91
8 (7) and amended to read:

9 121.91 (7) If Except as provided in sub. (4) (f) 2., if an excess revenue is
10 approved under ~~this subsection~~ sub. (3) for a recurring purpose or allowed under sub.
11 (4), the excess revenue shall be included in the base for determining the limit for the
12 next school year for purposes of this section. If an excess revenue is approved under
13 ~~this subsection~~ sub. (3) for a nonrecurring purpose, the excess revenue shall not be
14 included in the base for determining the limit for the next school year for purposes
15 of this section.

16 *~~-2030/2.15~~* **SECTION 2148.** 121.91 (4) (f) of the statutes is amended to read:

17 121.91 (4) (f) 1. For the 1998–99 school year or any school year thereafter, if the
18 average of the number of pupils enrolled in the current and the 2 preceding school
19 years, as calculated under sub. (2m) ~~(d)~~ 4. (e) 3., is less than the average of the
20 number of pupils enrolled in the 3 previous school years, as calculated under sub.
21 (2m) ~~(d)~~ (e) 1., the limit otherwise applicable under sub. (2m) ~~(d)~~ (e) is increased by
22 the additional amount that would have been calculated had the decline in average
23 enrollment been 25% of what it was.

1 2. Any additional revenue received by a school district as a result of subd. 1.
2 shall not be included in the base for determining the school district's limit under sub.
3 (2m) ~~(d)~~ (e) for the following school year.

4 ***-1309/4.9* SECTION 2149.** 121.92 (title) of the statutes is amended to read:
5 **121.92 (title) Penalty for exceeding revenue ceiling or limit.**

6 ***-1309/4.10* SECTION 2150.** 121.92 (1) of the statutes is amended to read:
7 121.92 (1) In this section, "excess revenue" means the amount by which a school
8 district's revenue exceeds ~~the maximum allowed~~ its ceiling under s. 121.905 or its
9 limit under s. 121.91.

10 ***-1309/4.11* SECTION 2151.** 121.92 (2) (a) of the statutes is amended to read:
11 121.92 (2) (a) Deduct from the state aid payment to a school district under s.
12 121.08 in the school year in which the school district exceeded the revenue ceiling or
13 limit an amount equal to the excess revenue for the school district or the amount of
14 those aids, whichever is less.

15 ***-1309/4.12* SECTION 2152.** 121.92 (2) (b) of the statutes is amended to read:
16 121.92 (2) (b) If the amount of the deduction under par. (a) is insufficient to
17 cover the excess revenue, deduct from the other state aid payments to the school
18 district in the school year in which the school district exceeded the revenue ceiling
19 or limit an amount equal to the remaining excess revenue or the amount of those
20 payments, whichever is less.

21 ***-1309/4.13* SECTION 2153.** 121.92 (2) (e) of the statutes is amended to read:
22 121.92 (2) (e) Ensure that the amount of the excess revenue is not included in
23 determining the school district's ~~limits~~ ceiling or limit in the succeeding school year.

24 ***-1516/4.16* SECTION 2154.** 125.04 (5) (a) 5. of the statutes is amended to read:

1 125.04 (5) (a) 5. Have successfully completed within the 2 years prior to the
2 date of application a responsible beverage server training course at any location that
3 is offered by a technical college district and that conforms to curriculum guidelines
4 specified by the technical college system board or a comparable training course that
5 is approved by the department or the ~~educational approval~~ higher educational aids
6 board. This subdivision does not apply to an applicant who held, or who was an agent
7 appointed and approved under sub. (6) of a corporation or limited liability company
8 that held, within the past 2 years, a Class “A”, “Class A” or “Class C” license or a
9 Class “B” or “Class B” license or permit or a manager’s or operator’s license.

10 ***-1516/4.17* SECTION 2155.** 125.17 (6) (a) (intro.) of the statutes is amended
11 to read:

12 125.17 (6) (a) (intro.) Except as provided in par. (b), no municipal governing
13 body may issue an operator’s license unless the applicant has successfully completed
14 a responsible beverage server training course at any location that is offered by a
15 technical college district and that conforms to curriculum guidelines specified by the
16 technical college system board or a comparable training course that is approved by
17 the department or the ~~educational approval~~ higher educational aids board, or unless
18 the applicant fulfills one of the following requirements:

19 ***-1836/2.6* SECTION 2156.** 138.052 (5) (am) 2. a. of the statutes is amended to
20 read:

21 138.052 (5) (am) 2. a. On January 1, 1994, and annually thereafter, the division
22 of banking for banks, the division of savings ~~and loan~~ institutions for savings and
23 loan associations and savings banks and the office of credit unions for credit unions
24 shall determine the interest rate that is the average of the interest rates paid,
25 rounded to the nearest one-hundredth of a percent, on regular passbook deposit

1 accounts by institutions under the division's or office's jurisdiction at the close of the
2 last quarterly reporting period that ended at least 30 days before the determination
3 is made.

4 ***-1836/2.7* SECTION 2157.** 138.052 (5) (am) 2. b. of the statutes is amended to
5 read:

6 138.052 (5) (am) 2. b. The office of credit unions and the division of banking
7 shall report the rate calculated to the division of savings and loan institutions within
8 5 days after the date on which the determination is made. The division of savings
9 and loan institutions shall calculate the average, rounded to the nearest
10 one-hundredth of a percent, of the 3 rates and report that interest rate to the revisor
11 of statutes within 5 days after the date on which the determination is made.

12 ***-1836/2.8* SECTION 2158.** 138.055 (4) (a) of the statutes is amended to read:

13 138.055 (4) (a) The division of savings and loan institutions, if the lender is a
14 savings and loan association or savings bank;

15 ***-1836/2.9* SECTION 2159.** 138.056 (1) (a) 4. a. of the statutes is amended to
16 read:

17 138.056 (1) (a) 4. a. The division of savings and loan institutions, if the lender
18 is a savings and loan association or savings bank;

19 ***-1836/2.10* SECTION 2160.** 138.12 (5) (a) of the statutes is amended to read:

20 138.12 (5) (a) The ~~commissioner~~ division may revoke or suspend the license of
21 any insurance premium finance company if the ~~commissioner~~ division finds that any
22 of the following:

- 23 1. Any license issued to such company was obtained by fraud₇.
- 24 2. There was any misrepresentation in the application for the license₇.

1 3. The holder of such license has otherwise shown himself or herself
2 untrustworthy or incompetent to act as a premium finance company.

3 4. ~~Such~~ The company has violated any provision of this section, ~~or~~.

4 5. ~~Such~~ The company has been rebating part of the service charge as allowed
5 and permitted herein to any insurance agent or insurance broker or any employee of
6 an insurance agent or insurance broker or to any other person as an inducement to
7 the financing of any insurance policy with the premium finance company.

8 ***-0619/1.2* SECTION 2161.** 139.30 (5) of the statutes is amended to read:

9 139.30 (5) "Indian tribe" means a federally recognized American Indian tribe
10 or band in this state.

11 ***-0619/1.3* SECTION 2162.** 139.323 (intro.) of the statutes is amended to read:

12 **139.323 Refunds to Indian tribes.** (intro.) The department shall refund ~~70%~~
13 50% of the taxes collected under s. 139.31 (1) in respect to sales on reservations or
14 trust lands of an Indian tribe to the tribal council of the tribe having jurisdiction over
15 the reservation or trust land on which the sale is made if all of the following
16 conditions are fulfilled:

17 ***-0619/1.4* SECTION 2163.** 139.75 (4d) of the statutes is created to read:

18 139.75 (4d) "Enrolled member" has the meaning given in s. 139.30 (4).

19 ***-0619/1.5* SECTION 2164.** 139.75 (4p) of the statutes is created to read:

20 139.75 (4p) "Indian tribe" has the meaning given in s. 139.30 (5).

21 ***-0619/1.6* SECTION 2165.** 139.75 (6m) of the statutes is created to read:

22 139.75 (6m) "Reservation" has the meaning given in s. 139.30 (9).

23 ***-0619/1.7* SECTION 2166.** 139.76 (1) of the statutes is amended to read:

24 139.76 (1) An ~~occupational~~ excise tax is imposed upon the sale, offering or
25 exposing for sale, possession with intent to sell or removal for consumption or sale

1 or other disposition for any purpose of tobacco products by any person engaged as a
2 distributor of them at the rate of 20% of the manufacturer's established list price to
3 distributors without diminution by volume or other discounts on domestic products.
4 On products imported from another country the rate of tax is 20% of the amount
5 obtained by adding the manufacturer's list price to the federal tax, duties and
6 transportation costs to the United States. The tax attaches at the time the tobacco
7 products are received by the distributor in this state. The tax shall be passed on to
8 the ultimate consumer of the tobacco products. All tobacco products received in this
9 state for sale or distribution within this state, except tobacco products actually sold
10 as provided in sub. (2), shall be subject to such tax.

11 ***-0619/1.8* SECTION 2167.** 139.76 (2) of the statutes is amended to read:

12 139.76 (2) Tobacco products sold to or by post exchanges of the U.S. armed
13 forces, to or by federally or state-operated veterans hospitals in this state, and
14 tobacco products sold to an interstate carrier of passengers for hire to be resold to
15 bona fide passengers actually being transported and tobacco products sold for
16 shipment outside this state in interstate commerce are not subject to the tax. The
17 ~~tax imposed by sub. (1) and s. 139.78 shall not apply with respect to any tobacco~~
18 ~~products which under the constitution and laws of the United States may not be~~
19 ~~taxed by this state.~~

20 ***-0619/1.9* SECTION 2168.** 139.803 of the statutes is created to read:

21 **139.803 Refunds to Indian tribes.** The department shall refund 50% of the
22 taxes collected under s. 139.76 (1) in respect to sales on reservations or trust lands
23 of an Indian tribe to the tribal council of the tribe having jurisdiction over the
24 reservation or trust land on which the sale is made if all of the following conditions
25 are fulfilled:

1 (1) The tribal council has filed a claim for the refund with the department.

2 (2) The tribal council has approved the retailer.

3 (3) The land on which the sale occurred was designated a reservation or trust
4 land on or before January 1, 1983.

5 (4) The tobacco products were not delivered by the retailer to the buyer by
6 means of a common carrier, a contract carrier or the U.S. postal service.

7 (5) The retailer has not sold the tobacco products to another retailer or to a
8 subjobber.

9 ***-0619/1.10* SECTION 2169.** 139.805 of the statutes is created to read:

10 **139.805 Agreements with Indian tribes.** The department may enter into
11 agreements with Indian tribes to provide for the refunding of the tobacco products
12 tax imposed under s. 139.76 (1) on tobacco products sold on reservations to enrolled
13 members of the tribe residing on the tribal reservation.

14 ***-0619/1.11* SECTION 2170.** 139.82 (7) of the statutes is created to read:

15 139.82 (7) The department may inspect the business records of any retailer
16 doing business on a reservation or on an Indian tribe's trust land.

17 ***-0619/1.12* SECTION 2171.** 139.82 (8) of the statutes is created to read:

18 139.82 (8) Each distributor shall collect and remit the excise tax imposed by
19 s. 139.76 (1) on tobacco products not exempt from the tobacco products tax under s.
20 139.76 (2), with the reports required to be filed under this section.

21 ***-0619/1.13* SECTION 2172.** 139.85 (1) of the statutes is amended to read:

22 139.85 (1) The interest and penalties under s. 139.44 (2) to (7) and (9) to (12)
23 apply to this subchapter. In addition, a person who violates s. 139.82 (8) shall be fined
24 not less than \$1,000 nor more than \$5,000 or imprisoned for not less than 90 days
25 nor more than one year or both.

1 ***-0935/3.14* SECTION 2173.** 145.01 (4m) of the statutes is amended to read:
2 145.01 (4m) FAILING PRIVATE SMALL SEWAGE SYSTEM. “Failing private small
3 sewage system” has the meaning specified under s. 145.245 (4).

4 ***-0935/3.15* SECTION 2174.** 145.01 (5) of the statutes is amended to read:
5 145.01 (5) GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE SMALL
6 SEWAGE SYSTEMS. “Governmental unit responsible for the regulation of private small
7 sewage systems” or “governmental unit”, unless otherwise qualified, means the
8 county except that in a county with a population of 500,000 or more these terms mean
9 the city, village or town where the private small sewage system is located.

10 ***-0935/3.16* SECTION 2175.** 145.01 (10) (b) of the statutes is amended to read:
11 145.01 (10) (b) The construction, connection or installation of any drain or
12 waste piping system from the outside or proposed outside foundation walls of any
13 building to the mains or other sewage system terminal within bounds of, or beneath
14 an area subject to easement for highway purposes, including private small sewage
15 systems, and the alteration of any such systems, drains or waste piping.

16 ***-0935/3.17* SECTION 2176.** 145.01 (12) of the statutes is repealed.

17 ***-0935/3.18* SECTION 2177.** 145.01 (14m) of the statutes is created to read:
18 145.01 (14m) SMALL SEWAGE SYSTEM. “Small sewage system” means one of the
19 following:

20 (a) Any holding tank that is connected to a building, drain or waste piping
21 system.

22 (b) Any wastewater treatment and disposal system with a final point of
23 discharge that is below the surface of the ground and with an estimated design flow
24 that does not exceed the maximum design flow specified under s. 145.02 (4) (c).

25 ***-0935/3.19* SECTION 2178.** 145.02 (4) (c) of the statutes is created to read:

1 145.02 (4) (c) The department, in cooperation with the department of natural
2 resources, shall promulgate rules specifying the maximum design flow for small
3 sewage systems with a final point of discharge that is below the surface of the ground.

4 ***-0524/1.1* SECTION 2179.** 145.04 (3) of the statutes is repealed.

5 ***-0515/4.2* SECTION 2180.** 145.045 (3) of the statutes is repealed.

 ***NOTE: This is reconciled s. 145.045 (3). This SECTION has been affected by
LRB-0515 and LRB-0935.

6 ***-0523/4.1* SECTION 2181.** 145.10 of the statutes is repealed and recreated to
7 read:

8 **145.10 Denials, suspensions and revocations.** The department shall
9 promulgate rules for the denial, suspension and revocation of master or journeyman
10 plumber licenses, cross-connection control tester registrations and utility contractor
11 licenses or temporary permits.

12 ***-0515/4.3* SECTION 2182.** 145.135 of the statutes is repealed.

 ***NOTE: This is reconciled s. 145.135. This SECTION has been affected by
LRB-0515 and LRB-0935.

13 ***-0515/4.4* SECTION 2183.** 145.19 of the statutes is repealed and recreated to
14 read:

15 **145.19 Sanitary permits. (1) DEFINITIONS.** In this section, “sanitary permit”
16 means a permit issued by the department or any governmental unit responsible for
17 the regulation of private sewage systems that authorizes the installation of a private
18 sewage system.

19 **(2) VALIDITY.** (a) No person may install a private sewage system unless the
20 owner of the property on which the private sewage system is to be installed holds a
21 valid sanitary permit. A sanitary permit is valid for 2 years from the date of issue,
22 notwithstanding any change in the state plumbing code or in any private sewage

1 system ordinance during that period, and is renewable for 2-year periods. A renewal
2 of a sanitary permit is governed by the rules in effect at the time the renewal is
3 sought.

4 (b) A holder of a sanitary permit may transfer the sanitary permit to a
5 subsequent owner of the land, except that the subsequent owner shall obtain a new
6 copy of the sanitary permit from the issuing agent.

7 (3) NOTICE. A sanitary permit shall include a notice displayed conspicuously
8 and separately on the permit form to inform the permit holder that:

9 (a) The purpose of the sanitary permit is to allow installation of the private
10 sewage system described in the permit.

11 (b) The approval of the sanitary permit is based on rules in force on the date
12 of approval.

13 (c) The sanitary permit is valid and may be renewed for a 2-year period.

14 (d) Changed rules will not impair the validity of a sanitary permit, but they may
15 impede renewal.

16 (e) The sanitary permit is transferable.

17 (4) INFORMATION ON SANITARY PERMITS; FORMS. (a) The department shall
18 prescribe the information to be included on the sanitary permit and shall furnish
19 sanitary permit forms to the governmental unit responsible for the regulation of
20 private sewage systems.

21 (b) The applicant for a sanitary permit shall submit a completed sanitary
22 permit application to the governmental unit responsible for the regulation of private
23 sewage systems or the department. The governmental unit responsible for the
24 regulation of private sewage systems or the department, whichever is appropriate,

1 shall approve or disapprove the sanitary permit application according to the rules
2 promulgated by the department under ss. 145.02 and 145.13.

3 (5) FEE. No fee for a sanitary permit may be less than \$61, or the amount
4 determined under department rule. The governing body for the governmental unit
5 responsible for the regulation of private sewage systems may establish a fee for a
6 sanitary permit which is more than \$61, or the amount determined under
7 department rule.

8 (6) COPY OF PERMIT FORWARDED TO THE DEPARTMENT. The governmental unit
9 responsible for the regulation of private sewage systems shall forward a copy of each
10 valid sanitary permit and \$20, or the amount determined under department rule, of
11 the fee to the department within 90 days after the permit is issued.

12 (7) USE OF FEE. The governmental unit responsible for the regulation of private
13 sewage systems shall use the portion of the fee it retains for the administration of
14 private sewage system programs.

15 (8) FEE ADJUSTMENT. The department may by rule adjust the minimum permit
16 fee under sub. (5) and the fee portion forwarded under sub. (6).

17 (9) GROUNDWATER FEE. In addition to the fee under sub. (5), the governmental
18 unit responsible for the regulation of private sewage systems or the department shall
19 collect a groundwater fee of \$25 for each sanitary permit. The governmental unit
20 shall forward this fee to the department together with the copy of the sanitary permit
21 and the fee under sub. (6). The moneys collected under this subsection shall be
22 credited to the environmental fund for environmental management.

23 ***-0935/3.20* SECTION 2184.** 145.19 (1), (2) (a), (3) (a), (4) to (7) and (9) of the
24 statutes, as affected by 1999 Wisconsin Act (this act), are amended to read:

1 145.19 (1) DEFINITIONS. In this section, "sanitary permit" means a permit
2 issued by the department or any governmental unit responsible for the regulation
3 of ~~private~~ small sewage systems that authorizes the installation of a ~~private~~ small
4 sewage system.

5 (2) (a) No person may install a ~~private~~ small sewage system unless the owner
6 of the property on which the ~~private~~ small sewage system is to be installed holds a
7 valid sanitary permit. A sanitary permit is valid for 2 years from the date of issue,
8 notwithstanding any change in the state plumbing code or in any ~~private~~ small
9 sewage system ordinance during that period, and is renewable for 2-year periods.
10 A renewal of a sanitary permit is governed by the rules in effect at the time the
11 renewal is sought.

12 (3) (a) The purpose of the sanitary permit is to allow installation of the ~~private~~
13 small sewage system described in the permit.

14 (4) INFORMATION ON SANITARY PERMITS; FORMS. (a) The department shall
15 prescribe the information to be included on the sanitary permit and shall furnish
16 sanitary permit forms to the governmental unit responsible for the regulation of
17 ~~private~~ small sewage systems.

18 (b) The applicant for a sanitary permit shall submit a completed sanitary
19 permit application to the governmental unit responsible for the regulation of private
20 small sewage systems or the department. The governmental unit responsible for the
21 regulation of ~~private~~ small sewage systems or the department, whichever is
22 appropriate, shall approve or disapprove the sanitary permit application according
23 to the rules promulgated by the department under ss. 145.02 and 145.13.

24 (5) FEE. No fee for a sanitary permit may be less than \$61, or the amount
25 determined under department rule. The governing body for the governmental unit

1 responsible for the regulation of ~~private~~ small sewage systems may establish a fee
2 for a sanitary permit which is more than \$61, or the amount determined under
3 department rule.

4 (6) COPY OF PERMIT FORWARDED TO THE DEPARTMENT. The governmental unit
5 responsible for the regulation of ~~private~~ small sewage systems shall forward a copy
6 of each valid sanitary permit and \$20, or the amount determined under department
7 rule, of the fee to the department within 90 days after the permit is issued.

8 (7) USE OF FEE. The governmental unit responsible for the regulation of ~~private~~
9 small sewage systems shall use the portion of the fee it retains for the administration
10 of ~~private~~ small sewage system programs.

11 (9) GROUNDWATER FEE. In addition to the fee under sub. (5), the governmental
12 unit responsible for the regulation of ~~private~~ small sewage systems or the
13 department shall collect a groundwater fee of \$25 for each sanitary permit. The
14 governmental unit shall forward this fee to the department together with the copy
15 of the sanitary permit and the fee under sub. (6). The moneys collected under this
16 subsection shall be credited to the environmental fund for environmental
17 management.

****NOTE: This is reconciled s. 145.19 (1), (2) (a), (3) (a), (4) to (7) and (9). This
SECTION has been affected by drafts with the following LRB numbers: -0515 and -0935.

18 *-0935/3.21* SECTION 2185. 145.20 (title) of the statutes is amended to read:

19 145.20 (title) **Private Small sewage systems.**

20 *-0935/3.22* SECTION 2186. 145.20 (1) of the statutes is amended to read:

21 145.20 (1) ORGANIZATION AND PERSONNEL. (a) The governing body of the
22 governmental unit responsible for the regulation of ~~private~~ small sewage systems
23 may assign the duties of administering the ~~private~~ small sewage system program to

1 any office, department, committee, board, commission, position or employee of that
2 governmental unit.

3 (am) The governing body of the governmental unit responsible for the
4 regulation of ~~private~~ small sewage systems may delegate the duties of administering
5 the ~~private~~ small sewage system program to a town sanitary district or public inland
6 lake protection and rehabilitation district with the powers of a town sanitary district
7 within the town sanitary district or public inland lake protection and rehabilitation
8 district if the town sanitary district or public inland lake protection and
9 rehabilitation district agrees to assume those duties.

10 (b) The governmental unit responsible for the regulation of ~~private~~ small
11 sewage systems shall obtain the services of a certified soil tester, either as an employee
12 or under contract, to review and verify certified soil tester reports under sub. (2).

13 ***-0515/4.5* SECTION 2187.** 145.20 (1) (ar) of the statutes is created to read:

14 145.20 (1) (ar) The governmental unit responsible for the regulation of private
15 sewage systems may, with the department's consent, delegate the administration of
16 any of the responsibilities under sub. (2) to the department. If the department
17 consents to the delegation, it may contract for the administration of the delegated
18 responsibilities.

19 ***-0935/3.23* SECTION 2188.** 145.20 (1) (ar) of the statutes, as created by 1999
20 Wisconsin Act (this act), is amended to read:

21 145.20 (1) (ar) The governmental unit responsible for the regulation of ~~private~~
22 small sewage systems may, with the department's consent, delegate the
23 administration of any of the responsibilities under sub. (2) to the department. If the
24 department consents to the delegation, it may contract for the administration of the
25 delegated responsibilities.

1 ***-0515/4.6* SECTION 2189.** 145.20 (2) (intro.) of the statutes is amended to
2 read:

3 145.20 (2) GOVERNMENTAL UNIT RESPONSIBILITIES. (intro.) ~~The~~ Except as
4 provided under sub. (1) (am) and (ar), the governmental unit responsible for the
5 regulation of private sewage systems shall:

6 ***-0935/3.24* SECTION 2190.** 145.20 (2) (intro.) of the statutes, as affected by
7 1999 Wisconsin Act (this act), is amended to read:

8 145.20 (2) GOVERNMENTAL UNIT RESPONSIBILITIES. (intro.) Except as provided
9 under sub. (1) (am) and (ar), the governmental unit responsible for the regulation of
10 private small sewage systems shall:

 ****NOTE: This is reconciled s. 145.20 (2) (intro.). This SECTION has been affected
by drafts with the following LRB numbers: -0515 and -0935.

11 ***-0935/3.25* SECTION 2191.** 145.20 (2) (a) of the statutes is amended to read:
12 145.20 (2) (a) Review certified soil tester reports for proposed private small
13 sewage systems and verify the report at the proposed site, if necessary.

14 ***-0515/4.7* SECTION 2192.** 145.20 (2) (am) of the statutes is created to read:
15 145.20 (2) (am) Retain the results of any percolation test or other test relating
16 to the disposal of liquid domestic wastes into the soil, make the test results available
17 to an applicant for a sanitary permit and accept the test results as the basis for a
18 sanitary permit application, unless the soil at the test site is altered to the extent that
19 a new soil test is necessary.

20 ***-0515/4.8* SECTION 2193.** 145.20 (2) (b) of the statutes is amended to read:
21 145.20 (2) (b) ~~Approve or disapprove applications for sanitary permits and~~
22 ~~assist~~ Assist applicants in preparing ~~an~~ an approvable ~~application~~ sanitary permit
23 applications.

1 ***-0935/3.26* SECTION 2194.** 145.20 (2) (d) to (h) of the statutes are amended
2 to read:

3 145.20 (2) (d) Inspect all ~~private~~ small sewage systems after construction but
4 before backfilling no later than the end of the next workday, excluding Saturdays,
5 Sundays and holidays, after receiving notice from the plumber in charge.

6 (e) File reports and conduct surveys and inspections as required by the
7 governmental unit responsible for the regulation of ~~private~~ small sewage systems or
8 the department.

9 (f) Investigate violations of the ~~private~~ small sewage system ordinance and s.
10 254.59 (2), issue orders to abate the violations and submit orders to the district
11 attorney, corporation counsel or attorney general for enforcement.

12 (g) Perform other duties regarding ~~private~~ small sewage systems as considered
13 appropriate by the governmental unit responsible for the regulation of ~~private~~ small
14 sewage systems or as required by the rules of the department.

15 (h) Inspect existing ~~private~~ small sewage systems to determine compliance
16 with s. 66.036 if a building or structure is being constructed which requires
17 connection to an existing ~~private~~ small sewage system. The county is not required
18 to conduct an on-site inspection if a building or structure is being constructed which
19 does not require connection to an existing ~~private~~ small sewage system.

20 ***-0935/3.27* SECTION 2195.** 145.20 (3) (a) and (b) of the statutes are amended
21 to read:

22 145.20 (3) (a) 1. The department may specify categories of ~~private~~ small sewage
23 systems for which approval by the department is required prior to issuance of
24 sanitary permits by the governmental unit responsible for the regulation of ~~private~~
25 small sewage systems.

1 2. The department may exempt a governmental unit from any category of
2 ~~private~~ small sewage systems for which departmental approval is required prior to
3 sanitary permit issuance under subd. 1., upon a determination, in accordance with
4 rules promulgated by the department, that past performance of the governmental
5 unit on reviews and audits under par. (b) has been satisfactory and that the
6 governmental unit has the capacity to give the same level of application and plan
7 review as that provided by the department. The department may revoke an
8 exemption upon a finding that performance of the governmental unit on a review or
9 audit conducted subsequent to the granting of the exemption is unsatisfactory or
10 that the governmental unit is not giving the same level of application and plan
11 review as that provided by the department. Findings in a revocation action may be
12 made only after a public hearing upon 30 days' advance notice to the clerk of the
13 governmental unit. The department shall submit a report under s. 13.172 (2) to the
14 chief clerk of each house of the legislature, at the beginning of each legislative
15 session, describing the exemptions under this subdivision.

16 (b) The department shall review the ~~private~~ small sewage system program in
17 each governmental unit responsible for the regulation of ~~private~~ small sewage
18 systems to ascertain compliance with sub. (2) and with regulations issued by the
19 department. This review shall include a random audit of sanitary permits, including
20 verification by on-site inspection.

21 ***-0515/4.9*** SECTION 2196. 145.20 (3) (c) of the statutes is amended to read:

22 145.20 (3) (c) If the governing body for a governmental unit responsible for the
23 regulation of private sewage systems does not adopt a private sewage system
24 ordinance meeting the requirements of s. 59.70 (5) or if the governmental unit does
25 not appoint personnel meeting the requirements of sub. (1) or if the governmental

1 unit does not comply with the requirements of sub. (2) or s. 145.19 (3), the department
2 may conduct hearings in the county seat upon 30 days' notice to the county clerk.
3 As soon as practicable after the public hearing, the department shall issue a written
4 decision regarding compliance with s. 59.70 (5) or 145.19 (3) or sub. (1) or (2). If the
5 department determines that there is a violation of these provisions, the
6 ~~governmental unit may not issue a sanitary permit for the installation of a private~~
7 ~~sewage system until the violation is corrected~~ department may issue an order
8 directing the governmental unit to remedy the violation.

****NOTE: This is reconciled s. 145.20 (3) (c). This SECTION has been affected by
LRB-0935.

9 ***-0935/3.28* SECTION 2197.** 145.20 (3) (c) of the statutes, as affected by 1999
10 Wisconsin Act (this act), is amended to read:

11 145.20 (3) (c) If the governing body for a governmental unit responsible for the
12 regulation of private small sewage systems does not adopt a private small sewage
13 system ordinance meeting the requirements of s. 59.70 (5) or if the governmental unit
14 does not appoint personnel meeting the requirements of sub. (1) or if the
15 governmental unit does not comply with the requirements of sub. (2) or s. 145.19 (3),
16 the department may conduct hearings in the county seat upon 30 days' notice to the
17 county clerk. As soon as practicable after the public hearing, the department shall
18 issue a written decision regarding compliance with s. 59.70 (5) or 145.19 (3) or sub.
19 (1) or (2). If the department determines that there is a violation of these provisions,
20 the department may issue an order directing the governmental unit to remedy the
21 violation.

****NOTE: This is reconciled s. 145.20 (3) (c). This SECTION has been affected by
drafts with the following LRB numbers: -0515 and -0935.

22 ***-0935/3.29* SECTION 2198.** 145.20 (4) of the statutes is amended to read:

1 145.20 (4) SPECIAL ASSESSMENT FOR HOLDING AND SEPTIC TANK PUMPING. A
2 governmental unit may assess the owner of a ~~private~~ small sewage system for costs
3 related to the pumping of a septic or holding tank. The governmental unit shall make
4 any assessment in the same manner that a city, village or town makes an assessment
5 under s. 66.60.

6 ***-0935/3.30* SECTION 2199.** 145.24 of the statutes is amended to read:

7 **145.24 Variances. (1)** If an existing ~~private~~ small sewage system either is not
8 located in soil meeting the siting standards or is not constructed in accordance with
9 design standards promulgated under s. 145.02 or 145.13, the owner of the ~~private~~
10 small sewage system may petition the department for a variance to the siting or
11 design standards.

12 **(2)** The department shall establish procedures for the review and evaluation
13 of existing ~~private~~ small sewage systems which do not comply with siting or design
14 standards.

15 **(3)** Upon receipt of a petition for a variance, the department shall require the
16 owner of the ~~private~~ small sewage system to submit information necessary to
17 evaluate the request for a variance. If the department determines that the existing
18 ~~private~~ small sewage system is not a failing ~~private~~ small sewage system, and
19 continued use of the existing ~~private~~ small sewage system will not pose a threat of
20 contamination of waters of the state, then the department may issue a variance to
21 allow continued use of the existing ~~private~~ small sewage system. The department
22 shall rescind the variance if the existing ~~private~~ small sewage system becomes a
23 failing ~~private~~ small sewage system or contaminates waters of the state.

24 ***-0935/3.31* SECTION 2200.** 145.245 (title) of the statutes is amended to read:

1 **145.245** (title) **Private Small sewage system replacement or**
2 **rehabilitation.**

3 ***-0935/3.32* SECTION 2201.** 145.245 (1) (a) 1. of the statutes is amended to
4 read:

5 145.245 (1) (a) 1. A determination that a ~~private~~ small sewage system is failing,
6 according to the criteria under sub. (4), based on an inspection of the ~~private~~ small
7 sewage system by an employe of the state or a governmental unit who is certified to
8 inspect ~~private~~ small sewage systems by the department.

9 ***-0935/3.33* SECTION 2202.** 145.245 (1) (ae) of the statutes is amended to read:

10 145.245 (1) (ae) “Governmental unit” means a governmental unit responsible
11 for the regulation of ~~private~~ small sewage systems. “Governmental unit” also
12 includes a federally recognized American Indian tribe or band.

13 ***-0516/3.1* SECTION 2203.** 145.245 (3) of the statutes is amended to read:

14 145.245 (3) MAINTENANCE. The department shall establish a maintenance
15 program to be administered by governmental units. The maintenance program is
16 applicable to all new or replacement ~~private~~ small sewage systems constructed in a
17 governmental unit after the date on which the governmental unit adopts this
18 program. The maintenance program shall include a requirement of inspection or
19 pumping of the ~~private~~ small sewage system at least once every 3 years. Inspections
20 may be conducted by a master plumber, journeyman plumber or restricted plumber
21 licensed under this chapter, ~~a person licensed under s. 281.48~~ small sewage system
22 inspector certified under ss. 101.66 and 145.02 or by an employe of the state or
23 governmental unit designated by the department. ~~The department of natural~~
24 ~~resources may suspend or revoke a license issued under s. 281.48 or a certificate~~
25 ~~issued under s. 281.17 (3) to the operator of a septage servicing vehicle if the~~

1 ~~department of natural resources finds that the licensee or operator falsified~~
2 ~~information on inspection forms.~~ The department of commerce may suspend or
3 revoke the license of a plumber licensed under this chapter if the department finds
4 that the plumber falsified information on inspection forms.

****NOTE: This is reconciled s. 145.245 (3). This SECTION is affected by LRB-0520/1
and LRB-0935/1.

5 ***-0520/2.1* SECTION 2204.** 145.245 (3) of the statutes, as affected by 1999
6 Wisconsin Act (this act), is repealed and recreated to read:

7 145.245 (3) MAINTENANCE. The department shall establish a maintenance
8 program to be administered by governmental units. The maintenance program is
9 applicable to all new or replacement small sewage systems constructed in a
10 governmental unit after the date on which the governmental unit adopts this
11 program. The department shall establish by rule a schedule for the inspection or
12 pumping of the small sewage system. Inspections may be conducted by a master
13 plumber, journeyman plumber or restricted plumber licensed under this chapter, by
14 a small sewage system inspector certified under ss. 101.66 and 145.02 or by an
15 employe of the state or governmental unit designated by the department. The
16 department of commerce may suspend or revoke the license of a plumber licensed
17 under this chapter if the department finds that the plumber falsified information on
18 inspection forms.

****NOTE: This is reconciled s. 145.245 (3). This SECTION has been affected by
LRB-0516/2, LRB-0520/1 and LRB-0935/1.

19 ***-0935/3.34* SECTION 2205.** 145.245 (3) (d) of the statutes is amended to read:
20 145.245 (3) (d) The department shall conduct training and informational
21 programs for officials of the governmental unit responsible for the regulation of
22 private small sewage systems and employes and persons licensed under this chapter

1 and s. 281.48 and certified as operators of septage servicing vehicles under s. 281.17
2 (3) to improve the delivery of service under the ~~private~~ small sewage system
3 program. The department shall obtain the assistance of the Wisconsin counties
4 association in planning and conducting the training and informational programs.

5 ***-0935/3.35* SECTION 2206.** 145.245 (4) (intro.) of the statutes is amended to
6 read:

7 145.245 (4) ~~FAILING PRIVATE~~ SMALL SEWAGE SYSTEMS. (intro.) The department
8 shall establish criteria for determining if a ~~private~~ small sewage system is a failing
9 ~~private~~ small sewage system. A failing ~~private~~ small sewage system is one which
10 causes or results in any of the following conditions:

11 ***-0935/3.36* SECTION 2207.** 145.245 (4) (b) of the statutes is amended to read:

12 145.245 (4) (b) The introduction of sewage into zones of saturation which
13 adversely affects the operation of a ~~private~~ small sewage system.

14 ***-0935/3.37* SECTION 2208.** 145.245 (4) (e) of the statutes is amended to read:

15 145.245 (4) (e) The failure to accept sewage discharges and back up of sewage
16 into the structure served by the ~~private~~ small sewage system.

17 ***-0935/3.38* SECTION 2209.** 145.245 (4m) of the statutes is amended to read:

18 145.245 (4m) CATEGORIES OF FAILING ~~PRIVATE~~ SMALL SEWAGE SYSTEMS. For the
19 purposes of this section, the department shall establish the category of each failing
20 ~~private~~ small sewage system for which a grant application is submitted, as follows:

21 (a) Category 1: failing ~~private~~ small sewage systems described in sub. (4) (a)
22 to (c).

23 (b) Category 2: failing ~~private~~ small sewage systems described in sub. (4) (d).

24 (c) Category 3: failing ~~private~~ small sewage systems described in sub. (4) (e).

25 ***-0521/2.1* SECTION 2210.** 145.245 (5) (a) 1. of the statutes is amended to read:

1 145.245 (5) (a) 1. A person is eligible for grant funds under this section if he or
2 she owns a principal residence which is served by a category 1 or 2 failing private
3 sewage system, if the ~~residence was constructed prior to and inhabited on private~~
4 sewage system was installed before July 1, 1978, if the family income of the person
5 does not exceed the income limitations under par. (c), if the amount of the grant
6 determined under sub. (7) is at least \$100, if the residence is not located in an area
7 served by a sewer and if determination of failure is made prior to the rehabilitation
8 or replacement of the failing private sewage system.

9 ***-0935/3.39* SECTION 2211.** 145.245 (5) (a) 1. of the statutes, as affected by
10 1999 Wisconsin Act (this act), is amended to read:

11 145.245 (5) (a) 1. A person is eligible for grant funds under this section if he or
12 she owns a principal residence which is served by a category 1 or 2 failing ~~private~~
13 small sewage system, if the ~~private~~ small sewage system was installed before July
14 1, 1978, if the family income of the person does not exceed the income limitations
15 under par. (c), if the amount of the grant determined under sub. (7) is at least \$100,
16 if the residence is not located in an area served by a sewer and if determination of
17 failure is made prior to the rehabilitation or replacement of the failing ~~private~~ small
18 sewage system.

 ***NOTE: This is reconciled s. 145.245 (5) (a) 1. This SECTION has been affected by
 drafts with the following LRB numbers: -0521 and -0935.

19 ***-0521/2.2* SECTION 2212.** 145.245 (5) (a) 2. of the statutes is amended to read:

20 145.245 (5) (a) 2. A business is eligible for grant funds under this section if it
21 owns a small commercial establishment which is served by a category 1 or 2 failing
22 private sewage system, if the ~~small commercial establishment was constructed prior~~
23 to private sewage system was installed before July 1, 1978, if the gross revenue of

1 the business does not exceed the limitation under par. (d), if the small commercial
2 establishment is not located in an area served by a sewer and if a determination of
3 failure is made prior to the rehabilitation or replacement of the private sewage
4 system.

5 ***-0935/3.40* SECTION 2213.** 145.245 (5) (a) 2. of the statutes, as affected by
6 1999 Wisconsin Act (this act), is amended to read:

7 145.245 (5) (a) 2. A business is eligible for grant funds under this section if it
8 owns a small commercial establishment which is served by a category 1 or 2 failing
9 private small sewage system, if the private small sewage system was installed before
10 July 1, 1978, if the gross revenue of the business does not exceed the limitation under
11 par. (d), if the small commercial establishment is not located in an area served by a
12 sewer and if a determination of failure is made prior to the rehabilitation or
13 replacement of the private small sewage system.

****NOTE: This is reconciled s. 145.245 (5) (a). This SECTION has been affected by
drafts with the following LRB numbers: -0521 and -0935.

14 ***-0935/3.41* SECTION 2214.** 145.245 (5) (a) 3. of the statutes is amended to
15 read:

16 145.245 (5) (a) 3. A person who owns a principal residence or small commercial
17 establishment which is served by a category 1 or 2 failing private small sewage
18 system may submit an application for grant funds during the 3-year period after the
19 determination of failure is made. Grant funds may be awarded after work is
20 completed if rehabilitation or replacement of the system meets all requirements of
21 this section and rules promulgated under this section.

22 ***-0519/1.1* SECTION 2215.** 145.245 (5) (c) 2. of the statutes is amended to read:

1 145.245 (5) (c) 2. Except as provided under subd. 4., annual family income shall
2 be based upon the federal adjusted gross income of the owner and the owner's spouse,
3 if any, as computed for ~~Wisconsin income tax purposes~~ for the taxable year prior to
4 the year in which the determination of failure is made. ~~The county median income~~
5 ~~shall be determined based upon the most recent statistics published by the federal~~
6 ~~department of housing and urban development for the year prior to the year in which~~
7 ~~the determination of failure is made.~~

8 ***-0519/1.2*** SECTION 2216. 145.245 (5) (c) 3. of the statutes is amended to read:

9 145.245 (5) (c) 3. In order to be eligible for grant funds under this section, a
10 person shall submit a copy of the designated federal income tax returns ~~for the~~
11 ~~taxable year prior to the year in which the determination of failure is upon which the~~
12 determination of federal adjusted gross income under subd. 2. was made together
13 with any application required by the governmental unit. ~~For taxable year 1985 and~~
14 ~~earlier, the person shall submit a copy of his or her individual or combined Wisconsin~~
15 ~~income tax return. For taxable year 1986 and thereafter, the person shall submit a~~
16 ~~copy of his or her joint Wisconsin income tax return or, if filing separately, his or her~~
17 ~~separate Wisconsin income tax return and the separate Wisconsin income tax return~~
18 ~~of his or her spouse, if any.~~

19 ***-0519/1.3*** SECTION 2217. 145.245 (5) (c) 4. of the statutes is amended to read:

20 145.245 (5) (c) 4. A governmental unit may disregard the ~~Wisconsin~~ federal
21 income tax return ~~for the taxable year prior to the year in which the determination~~
22 ~~of failure is made that is submitted under subd. 3. and may determine annual family~~
23 income based upon satisfactory evidence of federal adjusted gross income or
24 projected ~~taxable~~ federal adjusted gross income of the owner and the owner's spouse
25 in the current year. The department shall promulgate rules establishing criteria for

1 determining what constitutes satisfactory evidence of federal adjusted gross income
2 or projected federal adjusted gross income in a current year.

3 ***-0935/3.42* SECTION 2218.** 145.245 (5m) (a) of the statutes is amended to
4 read:

5 145.245 (5m) (a) The department or a governmental unit shall deny a grant
6 application under this section if the applicant or a person who would be directly
7 benefited by the grant intentionally caused the conditions which resulted in a
8 category 1 or 2 failing private small sewage system. The department or
9 governmental unit shall notify the applicant in writing of a denial, including the
10 reason for the denial.

11 ***-0589/2.19* SECTION 2219.** 145.245 (5m) (b) of the statutes is amended to
12 read:

13 145.245 (5m) (b) The department shall notify a governmental unit if it receives
14 ~~a certification under s. 49.855 (7) that an individual is delinquent in child support~~
15 ~~or maintenance payments or owes past support, medical expenses or birth expenses~~
16 an individual's name appears on the statewide support lien docket under s. 49.854
17 (2) (b). The department or a governmental unit shall deny an application under this
18 section if the ~~department receives a certification under s. 49.855 (7) that~~ name of the
19 applicant or an individual who would be directly benefited by the grant is delinquent
20 in child support or maintenance payments or owes past support, medical expenses
21 or birth expenses appears on the statewide support lien docket under s. 49.854 (2)
22 (b), unless the applicant or individual who would be benefited by the grant provides
23 to the department or governmental unit a payment agreement that has been
24 approved by the county child support agency under s. 59.53 (5) and that is consistent
25 with rules promulgated under s. 49.858 (2) (a).

1 *~~-0935/3.43~~* SECTION 2220. 145.245 (6) of the statutes is amended to read:

2 145.245 (6) USE OF FUNDS. (a) Except for grants under par. (b), funds available
3 under a grant under this section shall be applied to the rehabilitation or replacement
4 of the ~~private~~ small sewage system. An existing ~~private~~ small sewage system may
5 be replaced by an alternative ~~private~~ small sewage system or by a system serving
6 more than one principal residence.

7 (b) Funds available under a grant under this section for experimental ~~private~~
8 small sewage systems shall be applied to the installation and monitoring of the
9 experimental ~~private~~ small sewage systems.

10 *~~-0935/3.44~~* SECTION 2221. 145.245 (7) of the statutes is amended to read:

11 145.245 (7) ALLOWABLE COSTS; STATE SHARE. (a) Except as provided in par. (e),
12 costs allowable in determining grant funding under this section may not exceed the
13 costs of rehabilitating or replacing a ~~private~~ small sewage system which would be
14 necessary to allow the rehabilitated system or new system to meet the minimum
15 requirements of the state plumbing code promulgated under s. 145.13.

16 (b) Except as provided in par. (e), costs allowable in determining grant funding
17 under this section may not exceed the costs of rehabilitating or replacing a ~~private~~
18 small sewage system by the least costly methods.

19 (c) Except as provided in pars. (d) and (e), the state grant share under this
20 section is limited to \$7,000 for each principal residence or small commercial
21 establishment to be served by the ~~private~~ small sewage system or to the amount
22 determined by the department based upon ~~private~~ small sewage system grant
23 funding tables, whichever is less. The department shall prepare and publish ~~private~~
24 small sewage system grant funding tables which specify the maximum state share
25 limitation for various components and costs involved in the rehabilitation or

1 replacement of a ~~private~~ small sewage system based upon minimum size and other
2 requirements specified in the state plumbing code promulgated under s. 145.02. The
3 maximum state share limitations shall be designed to pay approximately 60% of the
4 average allowable cost of ~~private~~ small sewage system rehabilitation or replacement
5 based upon estimated or actual costs of that rehabilitation or replacement. The
6 department shall revise the grant funding tables when it determines that 60% of
7 current costs of ~~private~~ small sewage system rehabilitation or replacement exceed
8 the amounts in the grant funding tables by more than 10%, except that the
9 department may not revise the grant funding tables more often than once every 2
10 years.

11 (d) Except as provided in par. (e), if the income of a person who owns a principal
12 residence that is served by a category 1 or 2 failing ~~private~~ small sewage system is
13 greater than \$32,000, the amount of the grant under this section is limited to the
14 amount determined under par. (c) less 30% of the amount by which the person's
15 income exceeds \$32,000.

16 (e) Costs allowable for experimental ~~private~~ small sewage systems shall
17 include the costs of installing and monitoring experimental ~~private~~ small sewage
18 systems installed under s. 145.02 (3) (b) and this section. The department shall
19 promulgate rules that specify how the department will select, monitor and allocate
20 the state share for experimental ~~private~~ small sewage systems that the department
21 funds under this section.

22 ***-0935/3.45* SECTION 2222.** 145.245 (8) (a) of the statutes is amended to read:

23 145.245 (8) (a) In order to be eligible for a grant under this section, a
24 governmental unit shall make an application for replacement or rehabilitation of
25 ~~private~~ small sewage systems of principal residences or small commercial

1 establishments and shall submit an application for participation to the department.
2 The application shall be in the form and include the information the department
3 prescribes. In order to be eligible for funds available in a fiscal year, an application
4 is required to be received by the department prior to February 1 of the previous fiscal
5 year.

6 ***-0935/3.46* SECTION 2223.** 145.245 (9) (b) of the statutes is amended to read:

7 145.245 (9) (b) Certify that grants will be used for ~~private~~ small sewage system
8 replacement or rehabilitation for a principal residence or small commercial
9 establishment owned by a person who meets the eligibility requirements under sub.
10 (5), that the funds will be used as provided under sub. (6) and that allowable costs
11 will not exceed the amount permitted under sub. (7);

12 ***-0935/3.47* SECTION 2224.** 145.245 (9) (c) of the statutes is amended to read:

13 145.245 (9) (c) Certify that grants will be used for ~~private~~ small sewage systems
14 which will be properly installed and maintained;

15 ***-0935/3.48* SECTION 2225.** 145.245 (9) (e) of the statutes is amended to read:

16 145.245 (9) (e) Establish a process for regulation and inspection of ~~private~~
17 small sewage systems;

18 ***-0935/3.49* SECTION 2226.** 145.245 (11) (e) of the statutes is amended to read:

19 145.245 (11) (e) *Limitation; experimental ~~private~~ small sewage systems.* The
20 department may not allocate more than 10% of the funds available under this
21 subsection each fiscal year for grants for the installation and monitoring of
22 experimental ~~private~~ small sewage systems.

23 ***-0935/3.50* SECTION 2227.** 145.245 (11m) (b) to (d) of the statutes are

24 amended to read:

1 145.245 (11m) (b) Except as provided in par. (d), if funds are sufficient to fully
2 fund all category 1 but not all category 2 failing ~~private~~ small sewage systems, the
3 department shall fully fund all category 1 systems and prorate the funds for category
4 2 systems on a proportional basis.

5 (c) Except as provided in par. (d), if funds are not sufficient to fully fund all
6 category 1 failing ~~private~~ small sewage systems, the department shall fund the
7 category 1 systems on a proportional basis and deny the grant applications for all
8 category 2 systems.

9 (d) The department is not required to prorate available funds for grants for the
10 installation and monitoring of experimental ~~private~~ small sewage systems.

11 *~~1856/2.3~~* **SECTION 2228.** 145.245 (12m) of the statutes is created to read:

12 145.245 (12m) LOANS TO GOVERNMENTAL UNITS. (a) A governmental unit to
13 which the department allocates funds under sub. (11) for a fiscal year may apply to
14 the department for a loan under this subsection if the department prorates funds
15 under sub. (11m) for that fiscal year. A governmental unit may only use a loan under
16 this subsection to increase the amounts of grants to persons eligible under sub. (5)
17 above the amounts that would be provided without a loan under this subsection or
18 to provide grants to persons eligible under sub. (5) who would otherwise not receive
19 grants, because of the operation of sub. (11m) (c), but the total amount provided to
20 a person under this section may not exceed the amount authorized under sub (7).

21 (b) A loan under this subsection bears no interest. A loan under this subsection
22 may not exceed the difference between the amount of the grant that the
23 governmental unit would have received if the department had not prorated grants
24 under sub. (11) and the amount of the grant that the governmental unit did receive.
25 If the amount available for loans under s. 20.320 (3)(q) in a fiscal year is not sufficient

1 to provide loans to all eligible governmental units applying for loans, the department
2 shall allocate the available funds in the same manner as in sub. (11) (c).

3 (c) A loan approved under this subsection shall be for no longer than 20 years,
4 as determined by the department of administration, and be fully amortized not later
5 than 20 years after the original date of the note.

6 (d) As a condition of receiving a loan under this subsection an applicant shall
7 do all of the following:

8 1. Pledge the security, if any, required by the department of administration
9 under this subsection.

10 2. Demonstrate to the satisfaction of the department of administration the
11 financial capacity to assure sufficient revenues to repay the loan.

12 (e) The department of commerce and the department of administration may
13 enter into a financial assistance agreement with a governmental unit that applies
14 for a loan under this subsection and meets the eligibility requirements for a loan,
15 including the requirements under par. (d).

16 (f) The department of administration, in consultation with the department of
17 commerce, may establish those terms and conditions of a financial assistance
18 agreement that relate to its financial management, including what type of municipal
19 obligation is required for the repayment of the financial assistance. In setting the
20 terms and conditions, the department of administration may consider factors that
21 the department of administration finds are relevant, including the type of obligation
22 evidencing the loan, the pledge of security for the obligation and the applicant's
23 creditworthiness.

24 (g) The department of administration shall make and disburse a loan to an
25 applicant that has entered into a financial assistance agreement under par. (e). The

1 department of administration, in consultation with the department of commerce,
2 shall establish procedures for disbursing loans.

3 (h) If a governmental unit fails to make a principal repayment after its due
4 date, the department of administration shall place on file a certified statement of all
5 amounts due under this subsection. After consulting the department of commerce,
6 the department of administration may collect all amounts due by deducting those
7 amounts from any state payments due the governmental unit or may add a special
8 charge to the amount of taxes apportioned to and levied upon the county under s.
9 70.60. If the department of administration collects amounts due, it shall remit those
10 amounts to the fund to which they are due and notify the department of commerce
11 of that action.

12 ***-0935/3.51* SECTION 2229.** 145.245 (13) of the statutes is amended to read:

13 145.245 (13) INSPECTION. Agents of the department or the governmental unit
14 may enter premises where ~~private~~ small sewage systems are located pursuant to a
15 special inspection warrant as required under s. 66.122, to collect samples, records
16 and information and to ascertain compliance with the rules and orders of the
17 department or the governmental unit.

18 ***-0935/3.52* SECTION 2230.** 145.245 (14)(d) of the statutes is amended to read:

19 145.245 (14) (d) Additional grants under this section to a governmental unit
20 previously awarded a grant under this section may be suspended or terminated if the
21 department finds that a ~~private~~ small sewage system previously funded in the
22 governmental unit is not being or has not been properly rehabilitated, constructed,
23 installed or maintained.

24 ***-1058/1.3* SECTION 2231.** 146.19 (2) (intro.) of the statutes is amended to
25 read:

1 146.19 (2) COOPERATIVE AMERICAN INDIAN HEALTH PROJECT GRANTS. (intro.) From
2 the appropriation under s. 20.435 (5) (~~ek~~) (ke), the department shall award grants
3 for cooperative American Indian health projects in order to promote cooperation
4 among tribes, tribal agencies, inter-tribal organizations and other agencies and
5 organizations in addressing specific problem areas in the field of American Indian
6 health. A tribe, tribal agency or inter-tribal organization may apply, in the manner
7 specified by the department, for a grant of up to \$10,000 to conduct a cooperative
8 American Indian health project, which meets all of the following requirements:

9 ***-0329/4.1*** SECTION 2232. 146.50 (5) (f) of the statutes is amended to read:

10 146.50 (5) (f) The department may charge a reasonable fee for a an initial
11 license or training permit issued under this subsection, except that no fee may be
12 charged to an individual who is an employe of a public agency and who works for
13 volunteer or paid-on-call ambulance service providers and who is an applicant for
14 a license as an emergency medical technician — basic or for a training permit.

15 ***-0329/4.2*** SECTION 2233. 146.50 (10) of the statutes is renumbered 146.50
16 (10) (a) (intro.) and amended to read:

17 146.50 (10) (a) (intro.) Every holder of a license issued under sub. (5) or (7) shall
18 renew the license on July 1 of each even-numbered year by applying to the
19 department on forms provided by the department. ~~Upon receipt of an application for~~
20 ~~renewal containing documentation acceptable to the department that the~~
21 ~~requirements of sub. (6) have been met~~ Unless the department finds that the
22 applicant has acted in a manner or under circumstances constituting grounds for
23 suspension or revocation of the license and except as provided in ss. 146.51 and
24 146.52, the department shall renew the license unless the department finds that the

1 ~~applicant has acted in a manner or under circumstances constituting grounds for~~
2 ~~suspension or revocation of the license. upon receipt of all of the following:~~

3 ***-0329/4.3* SECTION 2234.** 146.50 (10) (a) 1. of the statutes is created to read:
4 146.50 (10) (a) 1. An application for renewal containing documentation
5 acceptable to the department that the applicable requirements of sub. (6) have been
6 met.

7 ***-0329/4.4* SECTION 2235.** 146.50 (10) (a) 2. of the statutes is created to read:
8 146.50 (10) (a) 2. A reasonable fee prescribed by rule by the department for
9 license renewal.

10 ***-0329/4.5* SECTION 2236.** 146.50 (10) (a) 3. of the statutes is created to read:
11 146.50 (10) (a) 3. If applicable, late fees prescribed by rule by the department
12 for untimely license renewal.

13 ***-0329/4.6* SECTION 2237.** 146.50 (10) (b) of the statutes is created to read:
14 146.50 (10) (b) The department shall credit all late fees assessed under par. (a)
15 3. to the appropriation account under s. 20.435 (1) (gm).

16 ***-0329/4.7* SECTION 2238.** 146.50 (11m) of the statutes is created to read:
17 146.50 (11m) FORFEITURES; AMBULANCE SERVICE PROVIDERS. (a) Any ambulance
18 service provider who violates this section or any rule promulgated under the
19 authority of this section shall forfeit not more than the amount specified by rule by
20 the department. Each day of violation constitutes a separate offense, except that no
21 day in the period between the date on which a request for hearing is filed under s.
22 227.44 and the date of the conclusion of all administrative and judicial proceedings
23 arising out of a decision under this subsection constitutes a violation.

24 (b) The department may directly assess forfeitures under par. (a). If the
25 department determines that a forfeiture should be assessed for a particular violation

1 or for failure to correct the violation, the department shall send a notice of
2 assessment to the alleged violator. The notice shall specify the alleged violation of
3 the statute or rule and the amount of the forfeiture assessed and shall inform the
4 alleged violator of the right to contest the assessment under s. 227.44.

5 (c) All forfeitures shall be paid to the department within 10 days after receipt
6 of notice of assessment or, if the forfeiture is contested as specified in par. (b), within
7 10 days after receipt of the final decision, unless the final decision is appealed and
8 the decision is in favor of the appellant. The department shall remit all forfeitures
9 paid under this subsection to the state treasurer for deposit in the school fund.

10 ***-0329/4.8* SECTION 2239.** 146.50 (13) (a) of the statutes is repealed.

11 ***-0329/4.9* SECTION 2240.** 146.50 (13) (d) of the statutes is created to read:

12 146.50 (13) (d) The department shall promulgate rules that prescribe all of the
13 following:

14 1. The amounts for license renewal fees to be assessed under sub. (10) (a) 2.

15 2. The amounts for late fees to be assessed under sub. (10) (a) 3. against an
16 applicant for untimely renewal of a license issued under sub. (5) or (7).

17 3. The amounts for forfeitures to be assessed under sub. (11m) against an
18 ambulance service provider.

19 ***-0269/3.4* SECTION 2241.** 146.56 (1) of the statutes is amended to read:

20 146.56 (1) Not later than July 1, ~~2001~~ 2002, the department shall develop and
21 implement a statewide trauma care system. The department shall seek the advice
22 of the statewide trauma advisory council under s. 15.197 (25) in developing and
23 implementing the system.

24 ***-0183/2.17* SECTION 2242.** 146.819 (4) (e) of the statutes is repealed.

25 ***-0178/2.2* SECTION 2243.** 146.82 (1) of the statutes is amended to read:

1 146.82 (1) CONFIDENTIALITY. All patient health care records shall remain
2 confidential. Patient health care records may be released only to the persons
3 designated in this section or to other persons with the informed consent of the patient
4 or of a person authorized by the patient. This subsection does not prohibit reports
5 made in compliance with s. 146.995, 253.12 (2) or 979.01 or testimony authorized
6 under s. 905.04 (4) (h).

7 *~~-0028/7.67~~* SECTION 2244. 146.93 (1) (a) of the statutes is amended to read:

8 146.93 (1) (a) From the appropriation under s. 20.435 ~~(1)~~ (4) (gp), the
9 department shall maintain a program for the provision of primary health care
10 services based on the primary health care program in existence on June 30, 1987.
11 The department may promulgate rules necessary to implement the program.

12 *~~-0028/7.68~~* SECTION 2245. 146.99 of the statutes is amended to read:

13 **146.99 Assessments.** The department shall, within 90 days after the
14 commencement of each fiscal year, estimate the total amount of expenditures and the
15 department shall assess the estimated total amount under s. 20.435 ~~(1)~~ (4) (gp) to
16 hospitals, as defined in s. 50.33 (2), in proportion to each hospital's respective gross
17 private-pay patient revenues during the hospital's most recently concluded entire
18 fiscal year. Each hospital shall pay its assessment on or before December 1 for the
19 fiscal year. All payments of assessments shall be deposited in the appropriation
20 under s. 20.435 ~~(1)~~ (4) (gp).

21 *~~-0412/2.1~~* SECTION 2246. 149.12 (2) (d) of the statutes is renumbered 149.12

22 (2) (d) 1. and amended to read:

23 149.12 (2) (d) 1. ~~Except for a person who is an eligible individual as provided~~
24 in subd. 2., no person who is 65 years of age or older is eligible for coverage under the
25 plan.

1 ***-0412/2.2* SECTION 2247.** 149.12 (2) (d) 2. of the statutes is created to read:

2 149.12 (2) (d) 2. Subdivision 1. does not apply to any of the following:

3 a. A person who is an eligible individual.

4 b. A person who has coverage under the plan on the date on which he or she
5 attains the age of 65 years.

6 ***-0412/2.3* SECTION 2248.** 149.12 (3) (b) of the statutes is amended to read:

7 149.12 (3) (b) Persons for whom deductible or coinsurance amounts are paid
8 or reimbursed under ch. 47 for vocational rehabilitation, under s. 49.68 for renal
9 disease, under s. 49.685 (8) for hemophilia, under s. 49.683 for cystic fibrosis or,
10 under s. 253.05 for maternal and child health services or under s. 49.686 for the cost
11 of drugs for the treatment of HIV infection or AIDS are not ineligible for coverage
12 under the plan by reason of such payments or reimbursements.

13 ***-0412/2.4* SECTION 2249.** 149.14 (3) (intro.) of the statutes is amended to
14 read:

15 149.14 (3) COVERED EXPENSES. (intro.) Except as restricted by cost containment
16 provisions under s. 149.17 (4) and except as reduced by the ~~board under s. 149.15 (3)~~
17 ~~(e) or by the department under s. ss. 149.143 or, 149.144 and 149.15 (3) (e),~~ covered
18 expenses for the coverage under this section shall be the usual and customary
19 charges for the services provided by persons licensed under ch. 446 and certified
20 under s. 49.45 (2) (a) 11. Except as restricted by cost containment provisions under
21 s. 149.17 (4) and except as reduced by the ~~board under s. 149.15 (3) (e) or by the~~
22 ~~department under s. ss. 149.143 or, 149.144 and 149.15 (3) (e),~~ covered expenses for
23 the coverage under this section shall also be the usual and customary charges for the
24 following services and articles if the service or article is prescribed by a physician
25 who is licensed under ch. 448 or in another state and who is certified under s. 49.45

1 (2) (a) 11. and if the service or article is provided by a provider certified under s. 49.45

2 (2) (a) 11.:

3 ***-0412/2.5* SECTION 2250.** 149.14 (4) (g) of the statutes is amended to read:

4 149.14 (4) (g) Dental care except as provided in sub. (3) (m) and (q).

5 ***-0412/2.6* SECTION 2251.** 149.14 (6) (title) of the statutes is created to read:

6 149.14 (6) (title) PREEXISTING CONDITIONS.

7 ***-0028/7.69* SECTION 2252.** 149.143 (1) (a) of the statutes is amended to read:

8 149.143 (1) (a) First from the appropriation under s. 20.435 (5) (4) (af).

9 ***-0028/7.70* SECTION 2253.** 149.143 (1) (b) 1. a. of the statutes is amended to
10 read:

11 149.143 (1) (b) 1. a. First, from premiums from eligible persons with coverage
12 under s. 149.14 set at 150% of the rate that a standard risk would be charged under
13 an individual policy providing substantially the same coverage and deductibles as
14 are provided under the plan, including amounts received for premium and deductible
15 subsidies under ss. 20.435 (5) (4) (ah) and 149.144, and from premiums collected from
16 eligible persons with coverage under s. 149.146 set in accordance with s. 149.146 (2)
17 (b).

18 ***-0028/7.71* SECTION 2254.** 149.143 (1) (b) 1. b. of the statutes is amended to
19 read:

20 149.143 (1) (b) 1. b. Second, from the appropriation under s. 20.435 (5) (4) (gh),
21 to the extent that the amounts under subd. 1. a. are insufficient to pay 60% of plan
22 costs.

23 ***-0028/7.72* SECTION 2255.** 149.143 (1) (b) 1. c. of the statutes is amended to
24 read:

1 149.143 (1) (b) 1. c. Third, by increasing premiums from eligible persons with
2 coverage under s. 149.14 to more than 150% but not more than 200% of the rate that
3 a standard risk would be charged under an individual policy providing substantially
4 the same coverage and deductibles as are provided under the plan, including
5 amounts received for premium and deductible subsidies under ss. 20.435 ~~(5)~~ (4) (ah)
6 and 149.144, and by increasing premiums from eligible persons with coverage under
7 s. 149.146 in accordance with s. 149.146 (2) (b), to the extent that the amounts under
8 subd. 1. a. and b. are insufficient to pay 60% of plan costs.

9 ***-0028/7.73* SECTION 2256.** 149.143 (2) (a) 1. a. of the statutes is amended to
10 read:

11 149.143 (2) (a) 1. a. Estimate the amount of enrollee premiums that would be
12 received in the new plan year if the enrollee premiums were set at a level sufficient,
13 when including amounts received for premium and deductible subsidies under ss.
14 20.435 ~~(5)~~ (4) (ah) and 149.144 and from premiums collected from eligible persons
15 with coverage under s. 149.146 set in accordance with s. 149.146 (2) (b), to cover 60%
16 of the estimated plan costs for the new plan year, after deducting from the estimated
17 plan costs the amount available in the appropriation under s. 20.435 ~~(5)~~ (4) (af) for
18 that plan year.

19 ***-0028/7.74* SECTION 2257.** 149.143 (2) (a) 1. c. of the statutes is amended to
20 read:

21 149.143 (2) (a) 1. c. If the amount estimated to be received under subd. 1. a. is
22 less than the amount estimated to be received under subd. 1. b., direct the plan
23 administrator to provide to the department, prior to the beginning of the plan year
24 and according to procedures specified by the department, the amount of the

1 difference. The department shall deposit all amounts received under this subd. 1.
2 c. in the appropriation account under s. 20.435 ~~(5)~~ (4) (gh).

3 ***-0028/7.75* SECTION 2258.** 149.144 of the statutes is amended to read:

4 **149.144 Adjustments to insurer assessments and provider payment**
5 **rates for premium and deductible reductions.** If the moneys under s. 20.435
6 ~~(5)~~ (4) (ah) are insufficient to reimburse the plan for premium reductions under s.
7 149.165 and deductible reductions under s. 149.14 (5) (a), or the department
8 determines that the moneys under s. 20.435 ~~(5)~~ (4) (ah) will be insufficient to
9 reimburse the plan for premium reductions under s. 149.165 and deductible
10 reductions under s. 149.14 (5) (a), the department shall, by rule, adjust in equal
11 proportions the amount of the assessment set under s. 149.143 (2) (a) 3. and the
12 provider payment rate set under s. 149.143 (2) (a) 4., subject to s. 149.143 (1) (b) 1.,
13 sufficient to reimburse the plan for premium reductions under s. 149.165 and
14 deductible reductions under s. 149.14 (5) (a). The department shall notify the
15 commissioner so that the commissioner may levy any increase in insurer
16 assessments.

17 ***-0412/2.7* SECTION 2259.** 149.146 (1) (a) of the statutes is amended to read:

18 149.146 (1) (a) Beginning on January 1, 1998, in addition to the coverage
19 required under s. 149.14, the plan shall offer to all eligible persons who are not
20 eligible for medicare a choice of coverage, as described in section 2744 (a) (1) (C), P.L.
21 104-191. Any such choice of coverage shall be major medical expense coverage.

22 ***-0412/2.8* SECTION 2260.** 149.146 (1) (b) 2. of the statutes is amended to read:

23 149.146 (1) (b) 2. An eligible person under par. (a) may elect once each year, at
24 the time and according to procedures established by the department, among the
25 coverages offered under this section and s. 149.14. If an eligible person elects new

1 coverage, any preexisting condition exclusion imposed under the new coverage is met
2 to the extent that the eligible person has been previously and continuously covered
3 under this chapter. No preexisting condition exclusion may be imposed on an eligible
4 person who elects new coverage if the person was an eligible individual when first
5 covered under this chapter and the person remained continuously covered under this
6 chapter up to the time of electing the new coverage.

7 ***-0412/2.9* SECTION 2261.** 149.146 (2) (am) of the statutes is created to read:

8 149.146 (2) (am) 1. For all eligible persons with coverage under this section,
9 the deductible shall be \$2,500. Expenses used to satisfy the deductible during the
10 last 90 days of a calendar year shall also be applied to satisfy the deductible for the
11 following calendar year.

12 2. Except as provided in subd. 3., if the covered costs incurred by the eligible
13 person exceed the deductible for major medical expense coverage in a calendar year,
14 the plan shall pay at least 80% of any additional covered costs incurred by the person
15 during the calendar year.

16 3. If the aggregate of the covered costs not paid by the plan under subd. 2. and
17 the deductible exceeds \$3,500 for any eligible person during a calendar year or \$7,000
18 for all eligible persons in a family, the plan shall pay 100% of all covered costs
19 incurred by the eligible person during the calendar year after the payment ceilings
20 under this subdivision are exceeded.

21 4. Notwithstanding subds. 1. to 3., the department may establish different
22 deductible amounts, a different coinsurance percentage and different covered costs
23 and deductible aggregate amounts from those specified in subds. 1. to 3. in
24 accordance with cost containment provisions established by the department under
25 s. 149.17 (4).